



Gill Rowe LL.B (Hons) Solicitor  
Managing Director (People and Places)

Kim Webber B.Sc. M.Sc.  
Managing Director (Transformation)

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF  
Telephone 01695 585000  
Fax 01695 585021

23 November 2011

**TO: COUNCILLORS**

**GRICE, GREENALL, BALDOCK, MRS BLAKE,  
BLANE, CROPPER, FILLIS, GAGEN, GIBSON,  
HENNESSY, G R JONES, KAY, MORAN, NOLAN,  
O'TOOLE, R A PENDLETON, POPE, SUDWORTH**

Dear Councillor,

A meeting of the **EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK, WEST LANCASHIRE, L39 2DF** on **THURSDAY 1 DECEMBER 2011** at **7:30PM** at which your attendance is requested.

Yours faithfully,

Gill Rowe  
Managing Director (People and Places)

**A G E N D A**  
**(Open to the Public)**

**1. APOLOGIES**

**2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

**3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

**4. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

**Page(s) 371 to 372**

**5. DECLARATIONS OF PARTY WHIP**

In accordance with Overview and Scrutiny Committee Procedure Rule 16, Members must declare the existence of any Party Whip, and the nature of it, when considering any matter in the following categories:

- The review of any decision of the Cabinet or
- The performance of any Member of the Cabinet

N.B. The Secretary of State believes whipping is incompatible with Overview and Scrutiny.

**6. MINUTES**

To receive as a correct record the Minutes of the meeting held on 29 September 2011. **Page(s) 373 to 382**

**7. CALLED IN ITEMS - NOT VALID**

**(a) Organisational Re-Engineering Update**

To consider the report of the Borough Solicitor. (To follow) **Page(s) 383 to 388**

**(b) Management Plans - Beacon Park, Coronation Park and Richmond Park**

To consider the report of the Borough Solicitor. (To follow) **Page(s) 389 to 394**

**8. KEY DECISION FORWARD PLANS - 1 NOVEMBER 2011 - 31 MARCH 2012**

There are no items under this heading.

**9. RELEVANT MINUTES OF CABINET**

To scrutinise the Minutes of the Cabinet meeting held on 15 November 2011. **Page(s) 395 to 406**

**10. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2011/2012**

To consider the report of the Borough Solicitor. **Page(s) 407 to 426**

**11. REVENUE BUDGET MID YEAR REVIEW**

To consider the report of the Borough Treasurer. **Page(s) 427 to 434**

**12. MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK (LDF) TO A LOCAL PLAN**

To consider the report of the Borough Planner. **Page(s) 435 to 444**

**13. PREFERRED OPTION LOCAL PLAN**

To consider the report of the Borough Planner. **Page(s) 445 to 458**

- 14. CORE STRATEGY PREFERRED OPTIONS (CSPO) - CONSULTATION RESPONSES**  
To consider the report of the Borough Planner. **Page(s) 459 to 468**
- 15. DRAFT NATIONAL PLANNING POLICY FRAMEWORK**  
To consider the report of the Borough Solicitor. **Page(s) 469 to 534**
- 16. STREAMLINING COUNCIL HOUSE ASSET MANAGEMENT - DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION**  
To consider the report of the Borough Solicitor. **Page(s) 535 to 552**
- 17. HEALTH AND SAFETY ANNUAL REPORT 2011**  
To consider the report of the Assistant Director Community Services.  
**Page(s) 553 to End**

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off at all meetings.**

*For further information, please contact:-*

*Cathryn Jackson on 01695 585017*

*or email [cathryn.jackson@westlancls.gov.uk](mailto:cathryn.jackson@westlancls.gov.uk)*



**FIRE PRECAUTIONS ACT 1971**  
**FIRE EVACUATION PROCEDURE FOR MEETINGS WHERE OFFICERS ARE**  
**PRESENT**  
**(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer present  
**ZONE WARDEN:** Member Services Officer

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **DO NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

**CHECKLIST FOR PERSON IN CHARGE**

**The Person in Charge must take the following actions:**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the Zone Warden is aware of their role and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate/practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to the HOME CARE LINK SECTION in Westec House, in order to ensure that a back-up call is made to the **FIRE AND RESCUE SERVICE**.
4. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, i.e. that the rooms in use have been cleared of all persons.
5. If an Attendance Register has been taken, take a **ROLL CALL**.

6. Report the results of these checks to the **FIRE AND RESCUE OFFICER IN CHARGE** on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
7. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE OFFICER IN CHARGE**.

**NOTE:**

The Fire Alarm system will automatically call the FIRE AND RESCUE SERVICE. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007 OVERVIEW AND SCRUTINY

Name: Councillor

Overview and Scrutiny Committee:

Date:

Item No:           Item Title:

Nature of Interest:

**A Member with a personal interest in any business of the Council must disclose the existence and nature of that interest at commencement or when interest apparent except:**

- Where it relates to or is likely to affect a person described in 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose the existence and nature when you address the meeting on that business.
- Where it is a personal interest of the type mentioned in 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- Where sensitive information relating to it is not registered in the register, you must indicate that you have a personal interest, but need not disclose the sensitive information.

A Member with a prejudicial interest must withdraw, **either** immediately after making representations, answering questions or giving evidence where 4 or 6 below applies **or** when business is considered and must not exercise executive functions in relation to that business and must not seek to improperly influence a decision.

Please tick relevant boxes

Notes

	<b>Overview and Scrutiny only</b>		Notes
1.	I have a personal interest* but it is not prejudicial.	<input type="checkbox"/>	<i>You may speak and vote</i>
2.	I have a personal interest* but do <u>not</u> have a prejudicial interest in the business as it relates to the functions of my Council in respect of:		
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	<input type="checkbox"/>	<i>You may speak and vote</i>
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a personal interest* and it is prejudicial <b>because</b> it affects my financial position or the financial position of a person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest  <b>or</b> it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 7 below</i>  <i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 7 below</i>
4.	I have a personal and prejudicial interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>
5.	I must regard myself as having a personal and prejudicial interest in the business because it relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees or sub-committees and, at the time the decision was made or action was taken, I was a member of the Cabinet, committee or sub-committee and I was present when that decision was made or action was taken	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you are a Cabinet member attending under section 21(13) of the LGA 2000 when you may speak to answer questions</i>

6.	I must regard myself as having a personal and prejudicial interest in the business because it relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees or sub-committees and, at the time the decision was made or action was taken, I was a member of the Cabinet, committee or sub-committee and I was present when that decision was made or action was taken, <b>however</b> I am attending the meeting for the purpose of making representations, answering questions or giving evidence relating to the business as the public are also allowed to attend the meeting for this purpose, whether under a statutory right or otherwise	<input type="checkbox"/>	<i>You may make representations, answer questions or give evidence but must leave the room once you have finished and cannot vote</i>
7.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

\* **“Personal Interest”** in the business of the Council means either it relates to or is likely to affect:

- 8(1)(a)(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
- (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

**or**

A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**“a relevant person”** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 8(1)(a)(i) or (ii).

**“body exercising functions of a public nature”** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13)(b) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



**PRESENT:** Grice (Chairman)

Councillors: Mrs Blake Greenall  
Blane G Jones  
Coyle Kay  
Cropper Moran  
Fillis Nolan  
Furey O'Toole  
Gagen Pope  
Gibson Sudworth

Officers: Borough Solicitor (Mr T P Broderick)  
Deputy Borough Planner (Mr I Gill)  
Strategic Housing Manager (Mr S A Jones)  
Deputy Borough Treasurer (Mr M Kostrzewski)  
Consultation and Communications Manager (Ms E Leigh)  
Head of Leisure and Cultural Services (Mr J Nelson)  
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

In attendance:

Councillors: Grant (Leader of the Council)  
Mrs Hopley (Portfolio Holder – Landlord Services and Community Safety)  
R A Pendleton  
Westley (Portfolio Holder – Resources and Transformation)

Also in attendance: Secretary, West Lancashire Pensioners' Forum (Mr R Brookfield)  
Chairman, West Lancashire Community Leisure (Mr J Bullock)  
Contracts Manager, West Lancashire Community Leisure (Mr M Snaylam)

## **16. APOLOGIES**

There were no apologies for absence.

## **17. MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, Members noted the termination of Councillor Hennessy and the appointment of Councillor Furey for this meeting only, thereby giving effect to the wishes of the Political Group.

## **18. URGENT BUSINESS**

There were no items of urgent business.

## **19. DECLARATIONS OF INTEREST**

1. Councillor Nolan declared a personal interest in item 7 relating to the Petition Review Request as a member of the West Lancashire Pensioners' Forum.

2. Councillor Grice declared a personal and prejudicial interest in item 8 (Leisure Trust Update) in view of him being appointed by Council to serve on the Leisure Trust Board and left the Chamber during consideration of this item.
3. Councillors Fillis and Gibson declared a personal interest in item 8 (Leisure Trust Update) stating that Mr Bullock (Chairman of West Lancashire Leisure Trust) was a friend.

**20. DECLARATIONS OF PARTY WHIP**

There were no declarations of a party whip.

**21. MINUTES**

RESOLVED: That the minutes of the meeting held on 30 June 2011 be approved as a correct record and signed by the Chairman.

**22. PETITION REVIEW REQUEST - PUBLIC EQUALITY AND HUMAN RIGHTS FORUM**

Consideration was given to the report of the Director of People and Places advising that a review had been requested of the steps that the Council had taken in response to a petition received on behalf of the West Lancashire Pensioners' Forum (WLPF). The report, as circulated and contained on pages 75 to 86 of the Book of Reports, set out the steps taken to respond to the petition, the Council's response to the Petitioner's Organiser and the Petitioner's request for a review of that response.

The Petitioner's Organiser, the Secretary of WLPF, attended the meeting and at the invitation of the Chairman addressed the Committee and in his address gave reasons why he did not feel the Council had adequately responded to his petition.

Members discussed the points the Petitioner's Organiser had raised in his address and in the petition documentation, along with the comments of the Director of Transformation, as set down in the Director of People and Places report, including the mechanisms the Council already uses to gauge the views of its residents, including the elderly and disabled and its equalities practices and approaches.

Members sought additional information of the Petitioner, who consented to take questions and responded to those put to him.

The Older People's Champion informed the Committee of the cessation of the Older People's Partnership Board but the establishment of a new voluntary West Lancashire Older People's Partnership whose inaugural meeting had recently taken place. It was understood that that Partnership was in the process of preparing a new Constitution and that its meetings would be held at the Council Offices. It was further understood that the Partnership's membership also included two representatives of the WLPF.

Members welcomed the announcement. Certain offers of assistance were made to Mr Brookfield and the people he represents.

Mr Brookfield thanked Members for allowing him to address them and was grateful for the collaborative and conciliatory route offered. He concluded by saying that he hoped that the new Older People's Partnership, in which he would have an involvement, would be successful.

On behalf of the Committee the Chairman thanked Mr Brookfield for his attendance.

RESOLVED: That the steps taken by the Council in response to the petition are adequate.

(Note: Councillor Nolan left the Chamber during the discussion of this item, when the petitioner's comments referred to a transport subsidy for the elderly and disabled groups.)

### **23. LEISURE TRUST UPDATE**

Consideration was given to the presentation by John Bullock, Chairman and Mark Snaylam, Contracts Manager of West Lancashire Community Leisure as contained on pages 347 to 370 of the Book of Reports. The presentation included:

- An introduction from the Chairman of the Trust.
- The trustees and a profile of the Board's responsibilities.
- Activities and initiatives undertaken during 2010/11.
- An overview of 2012 and events planned to celebrate the 2012 Olympics.
- Facilities at Nye Bevan, Park Pool, Skelmersdale, Burscough and Banks Leisure Centres and the membership/user numbers.
- Income and patronage in 2010 – 4% growth in revenue. –1% drop in wetside visits but an increase of 1% in dryside visits from the previous year.
- Operational Highlights – increase in patronage year on year from 2004; Community based special events (The Triathlon event – 30 schools – 700 pupils); continued closer links to National Governing Bodies and partnership working with the Young People's Service (YPS) (helping to reduce instances of juvenile nuisance around Skelmersdale); successful external audits (Health and Safety, Quest and Mystery Visitor); Front of house improvements (Burscough Sports Centre); refurbishment of gyms; delivery of over 1,500 free adult swimming lessons; success of the Nifty Fifties Groups.
- Challenges including – disruptions caused by the snow in January and December; management of energy costs; increasing patronage in a challenging economy; investment in staff; the outdated fabric of some of the buildings.
- Opportunities - increasing patronage, responding to internal and external audit to aid improvement; continued capital investment in 2011 (£1/2 million+ investment in Park Pool); continuing closer links with community groups; working with partners and community groups; offering more participation opportunities through Trust funding.

Comments and questions were raised in respect of the following:

- The success and expansion of the Nifty Fifties initiative to other areas in the Borough.

- Creating opportunities for closer working relationships with community groups.
- Issues relating to Skelmersdale Sports Centre, including the deterioration of the roof, investment in the Centre and maintaining a sport facility in the area.
- The closure of Park Pool due to a burst pipe, the consequential impact and recouping of costs as a result.
- Initiatives to recognise the European Year of Active Ageing 2012, including working with community groups.
- Activities associated with the Olympics 2012.
- Impact of other local sporting facilities (Edge Hill University) on Park Pool, Ormskirk.
- The role of volunteers.

On behalf of the Committee the Chairman thanked the representatives from the Leisure Trust for their attendance and informative presentation.

RESOLVED: A. That the representatives from the Leisure Trust be thanked for their presentation and attendance.

B. That the presentation and comments be noted.

(Notes:

1. Councillor Grice left the Chamber during consideration of this item, whereupon Councillor Greenall took the Chair.
2. Councillor Mrs Hopley (Portfolio Holder – Landlord Services and Community Safety) joined the meeting at the conclusion of this item.
3. Councillor Westley (Portfolio Holder – Resources and Transformation) left the meeting at the end of this item.)

**24. CALLED IN ITEMS**

Consideration was given to the following called in items, as circulated and contained on pages 87 to 108 and also pages 323 to 337 of the Book of Reports. The Chairman varied the order of business so that the called in item – Strategic Asset Management Project, listed as the last item of business, could also be considered.

(Note: The minutes follows the same order as set down in the agenda.)

**25. CALL IN - MEANS TESTING FOR PUBLIC SECTOR HOUSING DISABLED ADAPTATIONS**

Consideration was given to the report of the Director of People and Places advising that a decision of Cabinet in relation to the above item (minute 47 refers) had received a call in requisition signed by five Members of the Committee. The report set out the reason given for the call in, together with the alternative decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned it was explained why they objected to the use of means testing for public sector disabled adaptations.

In the ensuing discussion the following comments/questions were noted in respect of:

- Costs associated with a typical adaptation.
- Assistance available through the Disable Facility Grant.
- Proposed consultation process.
- Means testing mechanism.
- Use of means testing in private sector housing.
- Feedback from the Landlord Services Committee (Cabinet Working Group).

The Strategic Housing Manager responded to questions, referencing details contained in the Director of Transformation report. He explained the principle to introduce means testing for Public Sector Disabled Adaptations would mean that existing Council Tenants would be treated the same as Private Sector Tenants and Owner Occupiers and ensure equality between them. It would also enable the Council to maximise the amount of disabled adaptations carried out with the limited budget available. He further explained that any decision to introduce means testing as described would be subject to satisfactory responses to the consultation exercise as explained in the report.

RESOLVED: That the Committee does not wish to ask for a different decision.

## **26. CALL IN - ELMSTEAD DEVELOPMENT INITIAL PROPERTY ALLOCATION**

Consideration was given to the report of the Director of People and Places advising that a decision of Cabinet in relation to the above item (minute 55 refers) had received a call in requisition signed by five Members of the Committee. The report set out the reason given for the call in, together with the alternative decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned it was explained why the initial allocation of properties on Elmstead Development should be subject to the normal allocation criteria.

In the ensuing discussion the following comments/questions were noted in respect of:

- The Council's Housing Allocation Policy.
- Freedom of tenants to move across the Borough.
- Application of the local connection criteria.
- Choice Based Lettings system.
- Downsizing.
- Feedback from the Landlord Services Committee (Cabinet Working Group).
- Changes to housing benefit regulations.
- Cash back for relocation.

The Strategic Housing Manager responded to questions, referencing details contained in the Director of Transformation report. He explained that the new development had been supported by the residents of Tanhouse and particularly those living in the vicinity of the development some of whom have endured minor local disruption during the construction phase. He further explained that the application of the local connection criteria would be for the first let only and after that will revert back to the normal lettings process. He also explained the changes to the housing benefit regulations from April 2013 where the size of property will be assessed on the tenants needs.

At the invitation of the Chairman the Portfolio Holder for Landlord Services and Community Safety spoke to this item, making reference to the consultation events with tenants in Tanhouse, stating that a number of tenants had expressed an interest in the new properties and a wish to downsize. However, no tenants had been promised a downsizing cash-back incentive.

RESOLVED: That the Committee does not wish to ask for a different decision.

(Note: 1. Councillors Mrs Hopley and R A Pendleton left the meeting at the conclusion of this item.  
2. The Chairman, having varied the order of business, took agenda items 22 and 23 as the next items of business. Minute 39 and 40 records the Committee's consideration of these items.)

## **27. KEY DECISION FORWARD PLANS - 1 AUGUST 2011 - 31 JANUARY 2012**

There were no items under this heading.

## **28. RELEVANT MINUTES OF CABINET**

Consideration was given to the minutes of the meeting of Cabinet held on 13 September 2011. Members raised comments/questions in relation to:

Minute 45 (Sunbeds (Regulation) Act 2010) – the enforcement action provisions; the withdrawal of sunbeds from the Borough's Leisure Centres; campaign re. "risks" associated with sunbed use.

Minute 48 (Landlord Accreditation Scheme) – exploration of an additional licensing scheme to cover all Houses in Multiple Occupation regardless of their size.

RESOLVED: That the Minutes of the meeting of Cabinet held on 13 September 2011 be noted.

(Note: Councillor Grant left the Chamber following consideration of this item.)

## **29. REVENUE OUTTURN 2010-11**

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 121 to 128 of the Book of Reports which provided details of the key features of the financial outturn position for the previous financial year (2010-11) in relation to the General and Housing Revenue Accounts.

Members raised questions/comments in relation to:

- Regeneration and Estates – Favourable variance £280,000 - Maintenance occupation levels (Westec House – CCTV suite; Homecare link and IT)

RESOLVED: That the outturn position be noted.

**30. REVENUE MONITORING 2011-12**

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 129 to 134 of the Book of Reports which provided an assessment of the financial position on the revenue accounts in the new financial year.

Members raised questions and comments in respect of the following:

- Employee Costs - Proposed increase in employee contribution rates.
- Reserves and Balances – use of reserve funding.

RESOLVED: That the financial position of the Revenue Accounts be noted.

**31. CAPITAL PROGRAMME OUTTURN 2010-11**

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 135 to 146 of the Book of Reports which provided a summary of the capital outturn position for the 2010/2011 financial year.

RESOLVED: That the final position on the Capital Programme for 2010/2011 financial year be noted.

**32. CAPITAL PROGRAMME MONITORING 2011-12**

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 147 to 152 of the Book of Reports which provided an overview of the current progress on the Capital Programme.

RESOLVED: That progress on the Capital Programme be noted.

**33. DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

Consideration was given to the report of the Director of Transformation which set out the Draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and the draft response officers had prepared on behalf of the Council to the consultation.

During discussion of this item it was proposed that an all Member presentation on this document should be undertaken. It was noted that deferral of consideration would mean the Committee's views would be provided after expiry of the consultation deadline.

RESOLVED: That consideration of this item be deferred and that arrangements be put in place for a presentation to all Members on the Draft National Planning Policy Framework..

**34. REVISIONS TO THE INDUSTRIAL DEVELOPMENT ACT 1982**

Consideration was given to the report of the Director of Transformation which advised the proposed revisions to the Industrial Development Act 1982 (IDA) and the proposed response (Appendix 1) that had been prepared for submission to the Department for Business, Innovation and Skills (BIS).

RESOLVED: That the response to the BIS consultation as set out in the Appendix to the report, be noted.

**35. CONSULTATION - IMPLEMENTING SOCIAL HOUSING REFORM: DIRECTIONS TO THE SOCIAL HOUSING REGULATOR**

Consideration was given to the report of Director of Transformation which set out the Government's consultation paper on 'Implementing Social Housing Reform: Directions to the Social Housing Regulator' and the proposed response to the Department of Communities and Local Government (CLG).

Members raised questions/comments in relation to:

- Types of models for involving social tenants in repairs and maintenance – Tenant Cashback pilots.

RESOLVED: That the proposed response to the CLG's consultation on Social Housing Reform, set out in Appendix C to the report, be noted.

**36. CONSULTATION ON A NEW MANDATORY POWER OF POSSESSION FOR ANTI-SOCIAL BEHAVIOUR**

Consideration was given to the report of the Director of Transformation which set out the Council's response to the Department of Communities and Local Government (CLG) consultation proposing a mandatory order of possession where anti-social and criminal behaviour has been perpetrated by a tenant or someone for whom the tenant is responsible.

Members raised questions/comments in respect to:

- Wide ranging impact of the mandatory order for possession for anti-social behaviour (ASB) and criminality.
- Need for consistency in relation to implementation.
- Distinction between ASB and serious housing related offences.
- ASB and "illegal" use of Council properties – provision of other mechanisms.

RESOLVED: That the proposed response to CLG's consultation, set out in Appendix 3 to the report be noted.

(Note: In accordance with Council Procedure Rule 9 (Duration of Meeting) the meeting adjourned immediately upon conclusion of the above item of business at 11.05pm and the remaining items of business will be held over to the next ordinary meeting of the Executive Overview and Scrutiny Committee.)



**37. HEALTH AND SAFETY ANNUAL REPORT 2011**

This item was not considered at the meeting held on 29 September 2011 and will be included on the agenda for the next scheduled meeting of the Executive Overview and Scrutiny Committee (1 December 2011).

**38. STREAMLINING COUNCIL HOUSE ASSET MANAGEMENT - DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION**

This item was not considered at the meeting held on 29 September 2011 and will be included on the agenda for the next scheduled meeting of the Executive Overview and Scrutiny Committee (1 December 2011).

**39. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 (Financial/Business Affairs) of Schedule 12A to the Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

**40. CALL IN - STRATEGIC ASSET MANAGEMENT PROJECT**

Consideration was given to the report of the Director of People and Places advising that a decision of Cabinet in relation to the above item (minute 60 refers) had received a call in requisition signed by five Members of the Committee. The report set out the reason given for the call in, together with the alternative decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned explanation was provided as to why an alternative decision was sought.

The Strategic Housing Manager attended the meeting and answered questions in relation to the comments raised by Members in discussion.

RESOLVED: That the Committee does not wish to ask for a different decision.

(Note: Following consideration of this item members of the public were invited back into the meeting and Minutes nos. 27 to 36 record those items subsequently considered and open to the public.)

.....  
Chairman





**Appendix to Item: 7(a)**

**AGENDA ITEM: 5(j)**

**CABINET: 15<sup>th</sup> November 2011**

---

**Report of: Transformation Manager**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor D. Westley**

**Contact for further information: Mrs K Warmington (Extn. 5051)  
(E-mail: karen.warmington@westlancs.gov.uk)**

---

**SUBJECT: ORGANISATIONAL RE-ENGINEERING UPDATE**

---

Wards affected: Borough wide interest

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide an update on the Council's Organisational Re-engineering (OR) programme to date. This includes information on the following:
- The level of cash and efficiency savings resulting from OR, together with the improvements to both service delivery and customer accessibility
  - Progress of the Organisational Re-engineering (Efficiency Reviews) Framework and proposed service areas for future OR reviews.

## **2.0 RECOMMENDATIONS**

- 2.1 That the positive progress and successful outcomes of those reviews detailed, together with the summary of cash and efficiency savings identified, be noted.
- 2.2 That the Assistant Director Housing and Regeneration and the Borough Planner, with the support of the Transformation Manager, undertake and report back on the findings of the OR reviews carried out in their service area in 2012/13.

---

## **3.0 BACKGROUND AND CURRENT POSITION**

- 3.1 The Council launched its Organisational Re-Engineering programme in 2004 and to date has conducted seven successful OR Projects. These projects are;
- Council Tax
  - Travel Concessions
  - Housing – Property Services

- Street Scene (support services)
- Electronic Document Management (EDM)
- Environmental Health
- Private Sector Housing

As Members have been advised previously of the outcomes of the first five projects this report provides an update on the reviews undertaken within Environmental Health and Private Sector Housing.

- 3.2 As referred to within the Business Plan, one of the outcomes of MSR is that it helps to identify service areas which would benefit from OR. The continued commitment to re-engineering, particularly in conjunction with the MSR initiative, places the authority in a sound position to be able to secure further savings and efficiencies in a planned and co-ordinated way. Clearly, there is the continued need for the authority to:-
- Secure tangible year on year savings and efficiencies, within both front and back office.
  - Promote greater accessibility for all citizens by migrating services and the associated workload to 'front of house' i.e. to the website; to the Contact Centre; and to the Customer Service Points (CSP), thus improving service delivery from the customers' point of view.
  - Encourage staff ownership and promote the work undertaken on innovation/maximising the use of new technology, especially at a time of overall budget reduction
  - Deliver more streamlined and customer centric services through harnessing the latest information and communications technology, thus maximising customer satisfaction levels in line with increasing citizen expectations
- 3.3 Prior to OR commencing 17 services were delivered from within Customer Services (i.e. including the Contact Centre and one CSP), with a resource of 10.5 staff. As at September 2011 a total of 134 services can now be accessed from within Customer Services, with a resource of 14 FTE's, meaning that the section continues to deliver value for money on an even range of Council services. So for example, Customers can register for Council Tax, request a recycling receptacle, report a housing repair, pay a bill, book a pest control treatment, report illegal gypsies/traveller sites and so on, all within one interaction. Additionally, our website customers have access to more than 100 online services. Customers can request services, make payments, report problems, give their views, find information and much more through the website, which is available 24/7.
- 3.4 The level of cumulative cash savings identified to date amounts to around £2.5 million, with efficiency savings also gained totalling approximately £809,000. Details of the specific level of savings in respect of each individual project are contained within item 5, together with information detailing a small sample of the positive and practical outcomes of each review.
- 3.5 An OR Strategy detailing proposals for the order of rolling out future projects is being developed as one of the work streams within the Business plan and consequently the OR Manager is now working with The Partnership and

Performance Manager to produce this strategy, which will be produced in April 2012.

- 3.6 By way of a further reminder, in 2010 the Customer Service & OR Manager left the organisation. This provided an ideal opportunity to review the structure within Customer Services in order to streamline the approach to OR, together with the delivery of the corporate Customer Services function. In order for each discipline to become better focused, the traditional role of Customer Service & OR Manager was subsequently split into two separate dedicated roles within current budgets.

#### **4.0 OR FRAMEWORK AND AREAS FOR FUTURE OR REVIEWS**

- 4.1 Following recommendations from the Business Plan Working Group (BPWG), Members agreed that there was merit in revisiting the approach to OR with a view to speeding up the process. To accommodate this, an amount of £50,000 was identified and it was agreed that this money would be used to commission an external consultant to conduct the next OR review, whilst simultaneously reviewing/streamlining the methodology for future reviews and training the new OR Manager. This will ensure future sustainability in accordance with the Business Plan.

Members may also recall that a tendering exercise has now taken place and six external organisations have now been identified for inclusion on the Framework list. As detailed below:

- Ad desse
- Agilisys
- CPC
- KPMG
- RSM Tenon
- UK Public Sector

The advantage in building an in-house capability, together with formalising a Framework list (which can be utilised for up to 4 years) is that Members will have future flexibility regarding the roll out of OR. For example a decision may be taken to undertake two projects simultaneously i.e. one undertaken by a private sector partner listed within the framework, the other delivered by the newly trained internal resource. For clarification, the Transformation Manager will remain the officer responsible for the delivery of all projects, however commissioned.

- 4.2 One of the possible options agreed by Members as part of the MSR process was that the OR Manager would conduct reviews of Housing Services and during this period the post would be funded from the Housing Revenue Account. In addition Planning Services was also identified as an area for a future OR review. Consequently discussions are currently taking place around the timing of both of these major reviews.

## **5.0 UPDATE ON RECENT OR PROJECTS**

### **5.1 ENVIRONMENTAL HEALTH**

5.1.1 The OR review recommended a series of service improvements which provide a faster, more convenient and efficient service for customers. Examples here include the introduction of an appointment system for Licensing customers; Customer Services' making appointments and taking payments for Pest Control; the transfer of a further 12 processes to Front Office; full system integration to fully automate the end-to-end process whereby information is transferred electronically into the back office system streamlining workflow and creating a quicker, slicker service for customers.

5.1.2 Phase 1 is now complete and Customers can now access Environmental Health Services at first point of contact by contacting front office either via the telephone; or using one of the Customer Service Points; or by completing a form on the website. The project team is now planning the implementation of phase 2, which will include;

- Taxi drivers being able to book taxi license appointments at first point of contact.
- Implementation of the corporate Electronic Document Management system into Environmental Health. This will initially be introduced within Licensing and then be rolled out across the whole of the Environmental Health section.

Officers from Environmental Health, Customer Services and ICT/One Connect Limited (OCL) will continue to work together to implement phase 2. It is envisaged that the introduction of Taxi licensing in front office as well the implementation of EDM into Licensing will be in place by July 2012.

5.1.3 In terms of measuring the success of online requests/transactions for pest control appointments, although seasonal, over a 3 month period, the website generated an approximate income of £2,100 which meant that customers were able to book and pay for an appointment at first point of contact without the need for officer intervention.

### **5.2 PRIVATE SECTOR HOUSING**

5.2.1 The project identified a number of service improvements, which again provides a faster, more convenient and efficient service for customers. These are as follows:

- The streamlining of the Disabled Facilities Grant (DFG)
- Changes in procedures for enquiries about home ownership from the Land Registry, which will speed up the application process.
- Reduction in the Admin Support resource by 0.5 FTE
- Team relocation to Property Services Office at Sandy Lane
- Customers can now contact the Council direct or complete an electronic form on the website for all general enquiries and requests for information for Private Sector Housing services. So for example: enquires on Houses of Multiple Occupations; enquires on Landlord Services; Reporting Empty

properties; Reporting illegal gypsy/traveller sites can now be submitted in this way.

5.2.2 All of the above improvements have now been implemented, with the one remaining action to implement Northgate EDM. As an outcome of the recent Management restructure, Private Sector Housing now forms part of Community Services and so the implementation of EDM will be done at the same time as its introduction into Environmental Health, the estimated completion date being July 2012.

## 6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 The continued roll out of OR will help generate further essential savings and/or efficiencies for the authority, whilst simultaneously driving up quality and accessibility of services for the citizens and businesses of West Lancashire in accordance with the Business Plan.

## 7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 The following table provides a summary of year on year cash and efficiency savings that have been identified as a direct result of the OR reviews undertaken to date:

		2004/08	2008/09	2009/10	2010/11	2011/12	2012/13	Total Cash	Total Efficiency
<i>Council Tax</i>	Cash	357,800	110,400	110,400	110,400	110,400	110,400	909,800	
	Efficiency	127,800	42,600	42,600	42,600	42,600	42,600		340,800
<b>Travel Concessions</b>	Cash	4,900	3,700	3,700	3,700	3,700	3,700	23,400	
	Efficiency	24,100	18,100	18,100	18,100	18,100	18,100		114,600
<b>Property Services (Repairs)</b>	Cash	77,900	77,900	170,000	190,000	190,000	190,000	895,800	
	Efficiency		27,500	27,500	27,500	27,500	27,500		137,500
<b>Street Scene (Operational Support)</b>	Cash		3,000	3,000	3,000	3,000	3,000	15,000	
	Efficiency		20,500	20,500	20,500	20,500	20,500		102,500
<b>Environmental Health (1)</b>	Cash			41,000	82,100	88,600	96,100	307,800	
	Efficiency					47,000	57,000		104,000
<b>Private Sector Housing (1)</b>	Cash			39,500	96,300	96,300	96,300	328,400	
<b>Total</b>		<b>592,500</b>	<b>303,700</b>	<b>476,300</b>	<b>594,200</b>	<b>647,700</b>	<b>665,200</b>	<b>2,480,200</b>	<b>799,400</b>
<b>TOTAL CASH/EFFICIENCY SAVINGS</b>								<b>3,279,600</b>	

(1) OR/OD combined savings

## **8.0 RISK ASSESSMENT**

- 8.1 OR plays a critical role in identifying savings and service improvements, particularly in the current economic climate, without OR the authority would miss out on opportunities to make further savings and efficiencies, whilst at the same time improving services for our customers.

---

---

### **Background Documents**

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

None





**Appendix to Item 7(b)**

**AGENDA ITEM: 5(I)**

**CABINET: 15 November 2011**

---

**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant portfolio Holder: Councillor Andrew Fowler**

**Contact for further information: Mr S. Kent (Extn. 5169)  
(E-mail: [stephen.kent@westlancs.gov.uk](mailto:stephen.kent@westlancs.gov.uk))**

---

**SUBJECT: MANAGEMENT PLANS – BEACON PARK, CORONATION PARK, AND RICHMOND PARK**

---

Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To present new management plans for Beacon Park, Coronation Park, and Richmond Park for Member approval and adoption.

**2.0 RECOMMENDATION**

2.1 That the new management plans for Beacon Park, Coronation Park, and Richmond Park be approved, subject to resource availability.

---

**3.0 BACKGROUND**

3.1 Management plans for parks and countryside sites are important tools for steering site management and improvement, and co-ordinating visitor service activities. Their importance has been highlighted in recent times by the national Green Flag Award process for quality management of green spaces, which uses the management plan as the basis for all award applications.

3.2 The Council currently has 2 park management plans in place. The plans for Beacon Park and Coronation Park have both been crucial parts of successful Green Flag Awards since 2006 and both plans have now been updated. Richmond Park, which has been the subject of recent investment and improvement, has not previously had a full management plan produced.

## **4.0 CURRENT POSITION**

- 4.1 A new management plan for Beacon Country Park has now been produced to follow on from the initial plan and cover the period from 2011 to 2016.
- 4.2 For Coronation Park the plan still covers the original period of 2007-2012 however, the significant changes and improvements made since the start of the plan has warranted a full revision of the plan for its remaining term.
- 4.3 Richmond Park has had a management plan produced for the first time to cover the period 2011 to 2016.
- 4.4 All of these draft plans and revisions would be used in a process of continuous improvement for our main parks and countryside sites, and are put forward here for formal adoption by the Council.
- 4.5 All draft management plans are available on the Councils website (see Background Documents).

## **5.0 ISSUES**

- 5.1 All of the plans follow a similar format to analyse and evaluate the sites, set objectives for improvement, and outline how these will be achieved through an action plan set against a series of themes:-
- Site management inc. safety and security, maintenance, conservation, and landscape.
  - Cultural management inc. recreation, education, visitor services and community involvement.
  - Publicity and promotion.
  - Service management.
  - Monitoring and review.

## **6.0 PROPOSALS**

- 6.1 It is proposed that the draft management plans for Beacon Park and Richmond Park, and the revised management plan for Coronation Park, be formally approved and adopted by the council.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 Adoption and subsequent direction provided by the management plan will help to produce well managed and sustainable public leisure facilities, providing healthy outdoor recreation for residents of West Lancashire.
- 7.2 The improved surveillance, improved design, promotion of positive use, and effective marketing will improve the safety and security of park users and property so reducing actual and perceived crime and disorder levels.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 The production of the management plans has been undertaken by existing staff within the Parks and Countryside Service.
- 8.2 These plans have been produced in a realistic manner, setting objectives that are achievable within existing resources wherever possible, however, some objectives will require additional resources to achieve. Efforts will be made by the Parks and Countryside Service to attract external funds, but some additional internal resources would be required if these plans are to be achieved in their entirety. It is accepted that in the present financial climate some of the objectives may remain as aspirational, for example, new visitor centre at Beacon Park, however, it is still felt that these should be included within the plans.
- 8.3 The existing Parks and Countryside Service will have the remit to implement the management plans under the supervision of the Leisure Operations Manager, and working alongside Street Scene Grounds Maintenance and Cleansing staff.

## **9.0 RISK ASSESSMENT**

- 9.1 In recent times the Council has invested substantial capital and revenue funds to improve all three of the parks referred to here, the guiding principles set out in the management plans would protect this investment and build upon it.

---

---

### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>
Jan 2011	Beacon Country Park Management Plan
Jan 2011	Coronation Park Management Plan
Jan 2011	Richmond Park Management Plan

### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and /or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. Equality Impact Assessment



<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:  <i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>Production of management plans for our parks and countryside will take into consideration the needs of all sectors of the community therefore NO this decision to approve and adopt these plans will not disadvantage or have a disproportionately negative effect on the above groups of people.</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>Direct consultation with the local community plus liaison with specialist groups e.g. Access Matters on access issues.</p> <p>Plans have been developed by Ranger service utilising specialist knowledge and support and local contacts</p> <p>Survey works have been conducted by specialist organisations and consultants.</p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Yes – local people are consulted through direct mailing and local groups, including “Friends of” groups.</p> <p>Local user groups have also been consulted.</p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-  <i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>Consideration of the needs of all the community will be considered as part of the management planning process, therefore adoption of the management plans can only help our ability to meet our duties under the Equality Act 2010.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>All management plans will be reviewed and progress reported on a regular basis. Any equality impacts issues that may arise will be considered and measures taken to mitigate any negative impacts.</p>



**CABINET**

**HELD: 15 NOVEMBER 2011**

Start: 7.30pm

Finish: 9.15pm

**PRESENT:**

Councillor I Grant (Leader of the Council, in the Chair)

	<u>Portfolio</u>	
Councillors	I Ashcroft M Forshaw A Fowler Mrs V Hopley A Owens D Westley	Public Realm and Human Resources Planning and Technical Services Health and Leisure Landlord Services and Community Safety Deputy Leader & Housing (Finance), Regeneration and Estates Resources and Transformation

In attendance	Mrs U Atherley	J Grice
Councillors:	Y Gagen	R A Pendleton

Officers  
Managing Director (People and Places) (Mrs G Rowe)  
Managing Director (Transformation) (Ms K Webber)  
Assistant Director Housing and Regeneration (Mr R Livermore)  
Borough Planner (Mr J Harrison)  
Borough Treasurer (Mr M Taylor)  
Transformation Manager (Mr S Walsh)  
Head of Leisure & Cultural Services (Mr J Nelson)  
Customer Services Manager (Ms H Morrison)  
Organisational Re-Engineering Manager (Ms K Warmington)  
Assistant Member Services Manager (Mrs J Denning)

**62. APOLOGIES**

There were no apologies for absence.

**63. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS**

There were no items of urgent business.

**64. DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Fowler and Westley declared a personal and prejudicial interest in Agenda Item 5(m) 'War Memorial, Coronation Park' as Trustees of the Comrades Club, however this item was withdrawn by officers prior to its consideration.
2. Councillors Grant, Ashcroft, Mrs Atherley, Fowler, Forshaw and Westley declared a personal interest in Agenda Item 5(o) 'Revised Capital Programme and Mid Year Review' in respect of Parish Council matters, as Members of a Parish Council.

3. Councillor Westley declared a personal interest in Agenda Item 8(a) 'Human Resources Pilot – Partnership Agreement with LCC' as a Member of Lancashire County Council.

**65. MINUTES**

RESOLVED: That the minutes of the meeting of the Cabinet held on 13 September 2011 be received as a correct record and signed by the Leader.

**66. MATTERS REQUIRING DECISIONS**

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 801 to 1024 of the Book of Reports:

**67. ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION (HMOS) ORMSKIRK, AUGHTON AND WESTHEAD**

Councillor Forshaw introduced the report of the Borough Planner which advised of the consultation responses received following the making of the Article 4 Direction on 17 December 2010 and sought approval for the confirmation of the Direction in order to control the development of Houses in Multiple Occupation in Ormskirk, parts of Aughton and Westhead.

Minute 55 of the Planning Committee meeting held on 10 November 2011, was circulated, which noted the responses received.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: That the Article 4 Direction, made on 17 December 2010, to withdraw permitted development rights in Ormskirk, parts of Aughton and Westhead (as shown in the plan attached at Appendix 1 to the report) for a change of use from Class C3 (dwelling houses) to Class C4 (small scale houses in multiple occupation) be confirmed.

**68. MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK (LDF) TO A LOCAL PLAN**

Councillor Forshaw introduced the report of the Borough Planner which proposed that the Borough's local planning policy should be prepared as a single Local Plan document, to reflect the proposed policy in the draft National Planning Policy Framework (NPPF), and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

Cabinet was advised that the Planning Committee on 10 November 2011 had noted the report and recommendations to Cabinet.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.



- RESOLVED: A. That the move to draw together the preparation of the Core Strategy, Development Management Policies and the Site Allocations Development Plan Documents of the Local Development Framework into a single Local Plan document be approved.
- B. That delegated authority be given to the Borough Planner and Portfolio Holder to consider the agreed comments of the Executive Overview & Scrutiny Committee in taking forward the Local Plan process.
- C. That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 December 2011.

## **69. GREEN BELT STUDY AND CONSULTATION RESPONSES**

Councillor Forshaw introduced the report of the Borough Planner which advised of the submitted responses from the public to the Draft Green Belt Study consultation exercise and sought approval for the Council's comments to the public responses and the recommended amendments to the Study before publication of the final version.

Revised pages 827 and 828 of the Book of Reports were circulated.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the recommended amendments to the Draft Green Belt Study, set out in Appendix I of this report, be approved.
- B. That the Council's responses to the public consultation comments set out in Appendix II of this report, be approved.
- C. That the Borough Planner, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to make any final amendments to the Green Belt Study, before publishing the final Green Belt Study and the Council's responses to the representations made during the public consultation.

## **70. ENERGY ASSESSMENTS FOR NEW DWELLINGS**

Councillor Forshaw introduced the report of the Borough Planner which detailed the new service provision offering energy assessments for new residential developments, as approved at Council.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the implementation of the assessment procedures, as detailed in Appendix A to the report be approved.

- B. That the charging schedules associated with undertaking the assessments, as set out in Appendix B to the report, be approved and come into effect on the 1 December 2011.
- C. That authority to amend the service, procedures, delivery and charging schedule in the future, be delegated to the Borough Planner in consultation with the relevant portfolio holder.

**71. INSTALLATION OF SOLAR PHOTOVOLTAICS ON COUNCIL OWNED BUILDINGS**

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which detailed the benefits and risks associated with the installation of solar PV technology on Council properties and the opportunities available and sought approval for the proposals put forward.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That officers suspend further investigations into the 'Rent a Roof' project, subsequent to further review in April 2012.
  - B. That authority be given to the Assistant Director Housing and Regeneration to install solar PV equipment at the Councils expense on selected HRA properties, in consultation with the relevant Portfolio holders, on a pilot basis.
  - C. That authority be given to the Assistant Director Housing and Regeneration to install solar PV to the Robert Hodge Centre and Sandy Lane offices.
  - D. That an exception to contract procedure rules 6 and 7 be authorised, in the event that a suitable framework agreement cannot deliver this project.
  - E. That authority be given to obtain all necessary consents and permissions and to enter into all necessary documentation to facilitate delivery of the schemes.
  - F. That call in is not appropriate for this item as this matter is one where urgent action is required due to the new eligibility deadline for current feed in tariff rates, as announced on Monday 31 October 2011.

**72. PEER REVIEW - LANDLORD SERVICES**

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which advised of the outcome of a Peer Review undertaken by Helena Partnerships.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the Peer Review, attached at Appendix A to the report, be noted.
  - B. That the Assistant Director Housing and Regeneration arranges to incorporate the areas for development identified within the report within the service action plans for the forthcoming municipal year
  - C. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Corporate Overview and Scrutiny Committee on 24 November 2011.

**73. HOUSING SERVICE IMPROVEMENT PLAN**

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which set out the Housing Service Improvement Plan to ensure that the Council is doing all it can to provide an excellent service for tenants and is meeting all the requirements of the regulator, the Tenant Services Authority (TSA).

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the comments from the Landlord Services Committee (Cabinet WG) on 9th November 2011(Appendix B) be noted.
  - B. That progress on the Housing Service Improvement Plan (Appendix A) be noted.
  - C. That call in is not appropriate for this item as this report will be presented to the Corporate Overview and Scrutiny Committee on 24 November 2011.

**74. STREAMLINING COUNCIL HOUSE ASSET MANAGEMENT - DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION**

Councillor Mrs Hopley introduced the report of the Borough Solicitor which advised that the Executive Overview and Scrutiny Committee at its meeting on 29 September 2011 were unable to consider the report of the Assistant Director Housing and Regeneration in respect of a consultation paper from the Department of Communities and Local Government (CLG) in respect of streamlining council house asset management and sought approval to submit a response.

Councillor Owens referred to Paragraph 7 of the response in respect of 'Consultation Question 12 – Pooling of Housing Capital Receipts' and proposed that this should be amended to take into consideration the latest guidance received.

In reaching the decision below, Cabinet considered the proposal from Councillor Owens and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the Assistant Director Housing and Regeneration amend paragraph 7 of the response, taking into account the latest guidance on pooling of Housing Capital receipts, and submit the response to the CLG before the deadline of the 17 November 2011, as set out in Appendix A to the attached report.
- B. That the Assistant Director Housing and Regeneration consider and forward any additional comments raised by the Executive Overview and Scrutiny Committee to the CLG when the report is considered on 1 December 2011.
- C. That call in is not appropriate for this item as the consultation deadline is 17 November 2011 and the report is being considered by Executive Overview and Scrutiny Committee on 1 December 2011.

## **75. FUNDING OF VOLUNTARY AND OTHER ORGANISATIONS CABINET WORKING GROUP**

Councillor Fowler introduced the report of the Transformation Manager which considered the recommendations of the Funding of Voluntary and Other Organisations Working Group meetings of 14 July and 1 November 2011 in respect of the presentations/written submissions received from the Voluntary Organisations in relation to the monitoring and evaluation of the 3 year Service Level Agreements.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it and noted that the decision was subject to the budget being set in February 2012.

RESOLVED: That the recommendations arising from the monitoring and evaluation of the 3 year Service Level Agreements by the Funding of Voluntary and Other Organisations Working Group at its meetings of 14<sup>th</sup> July and 1 November 2011 be endorsed as detailed in the minutes of the meetings attached at Appendices 1 and 2 to the report, subject to the budget process.

## **76. ORGANISATIONAL RE-ENGINEERING UPDATE**

Councillor Westley introduced the report of the Transformation Manager which detailed the Council's Organisational Re-engineering (OR) programme to date, including information on the following:

- The level of cash and efficiency savings resulting from OR, together with the improvements to both service delivery and customer accessibility
- Progress of the Organisational Re-engineering (Efficiency Reviews) Framework and proposed service areas for future OR reviews.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the positive progress and successful outcomes of those reviews detailed, together with the summary of cash and efficiency savings identified be noted.
- B. That the Assistant Director Housing and Regeneration and the Borough Planner, with the support of the Transformation Manager, undertake and report back on the findings of the OR reviews carried out in their service area in 2012/13.

**77. COMPLAINTS MONITORING**

Councillor Grant introduced the report of the Transformation Manager which presented data on complaints received by the Council from April 2010 to March 2011.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That a slight increase in the level of complaints to the Council in 2010/11 be noted.
- B. That the approach to complaints handling as discussed within section 6 of the Report be reviewed and the Corporate Complaints Procedure be updated for Member approval in due course.
- C. That the call in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Corporate Overview and Scrutiny Committee on 24 November 2011.

**78. MANAGEMENT PLANS - BEACON PARK, CORONATION PARK AND RICHMOND PARK**

Councillor Fowler introduced the report of the Assistant Director Community Services which presented the new management plans for Beacon Park, Coronation Park and Richmond Park for approval and adoption.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: That the new management plans for Beacon Park, Coronation Park and Richmond Park, as detailed on the Council's web site, be approved, subject to resource availability.

**79. WAR MEMORIAL, CORONATION PARK, ORMSKIRK**

This item was withdrawn by officers prior to its consideration, for further consultation.

**80. REVENUE BUDGET MID YEAR REVIEW**

Councillor Westley introduced the report of the Borough Treasurer which provided a projection on the General and Housing Revenue Accounts to the end of the financial year.

Minute 54 of the Landlord Services Committee (Cabinet Working Group) on 9 November 2011 was circulated which endorsed the recommendations in the report to Cabinet.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the financial position of the Revenue Accounts be noted included the position on reserves and balances.
  - B. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 December 2011.

## **81. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW**

Councillor Westley introduced the report of the Borough Treasurer which detailed the revised Capital Programme 2011/2012 and provided an overview on the progress against it at the mid-year point.

Minute 55 of the Landlord Services Committee (Cabinet Working Group) on 9 November 2011 was circulated which endorsed the recommendations in the report to Cabinet.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the revised Capital Programme, including the virements contained within it, be approved for consideration by Council.
  - B. That the progress against the revised Capital Programme at the mid-year point be noted.
  - C. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 December 2011 and Council on 14 December 2011.

## **82. KEY DECISION FORWARD PLAN QUARTERLY REPORT**

Councillor Grant introduced the report of the Borough Solicitor which advised that no decisions had been made during the last quarter in respect of Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED: That it be noted that Access to Information Rule 16 (Special Urgency) was not exercised during the quarter ending 30 September 2011.

**83. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph(s) 3 and 5 of Part 1 of Schedule 12A of the Act, as set out on the agenda, and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

**84. MATTERS REQUIRING DECISIONS**

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1025 to 1056 of the Book of Reports:

**85. HUMAN RESOURCES PILOT - PARTNERSHIP AGREEMENT WITH LCC**

Councillor Ashcroft introduced the report of the Managing Director (Transformation) which detailed the arrangements for the Human Resources (HR) & Payroll Service from 1 April 2012 and sought authority to enter into a new agreement for HR & Payroll services with Lancashire County Council (LCC) via One Connect Ltd.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the benefits of the current arrangement set out at paragraphs 3.1 and 3.2 of the report be noted.
  - B. That the options for the future provision of the service outlined at paragraph 6.2 of the report be noted.
  - C. That authority be granted to the Managing Director (Transformation) in consultation with the Leader and Portfolio Holder for Public Realm and Human Resources, to negotiate and enter into a one-year agreement for the provision of HR Management support with LCC, via One Connect Ltd.
  - D. That the Managing Director (Transformation) continues to explore the options for the service beyond April 2013.

**86. LAND DISPOSAL - FOR AFFORDABLE HOUSING**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which considered the inclusion of Council owned land at Furnival / Pickles Drive, Burscough for the purposes of developing an affordable housing scheme.

The Assistant Director Housing and Regeneration circulated revised recommendations.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That subject to C below, the Assistant Director Housing and Regeneration be authorised to dispose of land at Furnival Drive and Pickles Drive, Burscough (identified at Appendix B to the report) to the Registered Provider selected to deliver affordable housing, as outlined at section 3 of the report
  - B. That the budget agreed in June 2011 of £656,000 be reduced by £150,000 to £506,000 to support other corporate priorities as explained in paragraph 3.10 of the report.
  - C. That the Assistant Director Housing and Regeneration be authorised to undertake appropriate procedures to advertise the proposal to dispose of public open space land at Furnival Drive and Pickles Drive, Burscough (as identified at Appendix B to the report) in accordance with legislative requirements.
  - D. That the Assistant Director Housing and Regeneration be authorised to take all necessary action and to enter into all necessary documentation and to obtain all necessary permissions and consents to enable the disposal to proceed.
  - E. That an exception to Contract Procedure Rule 7 be authorised for the reasons set out at paragraph 7 of the report.

#### **87. BEACON GOLF COURSE**

Councillor Fowler introduced the report of the Assistant Director Community Services which informed of DCT Leisure Ltd's intention to relinquish its lease of Beacon Park Golf Course and provide options for the future of the facility.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the Assistant Director Community Services, in consultation with the Leader and relevant portfolio holder, be authorised to develop and implement proposals for the long term operation of the Beacon Park Golf Course and negotiate and conclude all arrangements (to include the obtaining of all necessary consents, providing for all requisite notices and the entering into all necessary licences, leases and agreements/documentation) to give effect to that proposal.
  - B. That in addition to the delegation at A. above the Assistant Director Community Services, in consultation with the Leader and relevant portfolio holder, be authorised to develop and implement proposals for the interim operation of the Beacon Park Golf Course and negotiate and conclude all arrangements (to include the obtaining of all necessary consents, providing for all requisite notices and the entering into all necessary licences, leases and agreements/documentation) to give effect to that proposal.



- C. That there be an exemption from the requirement to seek quotations/tenders (Contract Procedure Rules 6 and 7) to allow the arrangements to be put in place in accordance with A. and/or B. above for the reasons set out in the report.
  
- D. That call in not appropriate for this item as the matter is one requiring urgent action. It be noted the matter is being referred to the next meeting of Council on 14 December 2011.

-----  
THE LEADER





**AGENDA ITEM: 10**

**EXECUTIVE OVERVIEW AND  
SCRUTINY COMMITTEE:  
1 December 2011**

**COUNCIL: 14 December 2011**

---

**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor Westley**

**Contact for future information: Mrs J Denning (Extn. 5384)  
(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))**

---

**SUBJECT: REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2011/2012**

---

Wards Affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To advise on the decision of Cabinet held on 15 November 2011 in respect of Land Disposal for Affordable Housing and submit revised Appendix A and B to the attached report of the Borough Treasurer in respect of the 2011/2012 Revised Capital Programme as a result of that decision.

**2.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

2.1 That the Report detailing the Revised Capital Programme and progress against it at the mid-year point set out in Appendix 1 and the 'revised Appendix A and B' attached at Appendix 2 to this report be noted.

**3.0 RECOMMENDATIONS TO COUNCIL**

3.1 That the updated Revised Capital Programme, including the virements contained within it, be agreed.

3.2 That progress against the Revised Capital Programme at the mid-year point be noted.

---

### **3.0 BACKGROUND AND CURRENT POSITION**

- 3.1 Cabinet considered the report of the Borough Treasurer in respect of the 2011/2012 Revised Capital Programme (Appendix 1) on 15 November 2011. A copy of the Cabinet minute is attached at Appendix D.
- 3.2 At that meeting a further report was considered in respect of 'Land Disposal for Affordable Housing Development' when a reduction to the budget was agreed. This has now been taken into account in the figures detailed in the revised Appendix A and B.

### **4.0 COMMENTS OF THE BOROUGH TREASURER**

- 4.1 The revised Appendix A and B take account of the adjustment to the Affordable Housing budget referred to in paragraph 6.4 of my original report. The impact of this change has been to reduce the Housing Strategy Expenditure and Capital Receipt Resource budget lines. There has been no change to the % spend included in the original report.

---

---

#### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

#### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

#### **Appendices**

1. Report of the Borough Treasurer
2. Revised Appendix A and B.



**APPENDIX 1:**  
**AGENDA ITEM: 10**

**CABINET: 15 November 2011**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
1 December 2011**

**COUNCIL: 14 December 2011**

---

**Report of: Borough Treasurer**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillors D Westley and A Owens**

**Contact for further information: Mrs K Samosa (Ext. 5038)**  
**(E-mail: karen.samosa@westlancs.gov.uk)**

---

**SUBJECT: REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2011/2012**

---

Wards Affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To agree the Revised Capital Programme 2011/2012 and provide Members with an overview on the progress against it at the mid-year point.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the Revised Capital Programme, including the virements contained within it, be approved for consideration by Council.

2.2 That the progress against the Revised Capital Programme at the mid-year point be noted.

2.3 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1st December 2011 and Council on 14<sup>th</sup> December.

**3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the Revised Capital Programme and progress against it at the mid-year point be noted.

## **4.0 RECOMMENDATIONS TO COUNCIL**

- 4.1 That the Revised Capital Programme, including the virements contained within it, be agreed.
  - 4.2 That progress against the Revised Capital Programme at the mid-year point be noted.
- 

## **5.0 BACKGROUND**

- 5.1 The Capital Programme is set on a three-year rolling basis and the Programmes for 2011/2012, 2012/2013 and 2013/2014 were approved by Council in February, 2011.
- 5.2 In accordance with the Capital Strategy, the Capital Programme is subject to revision at the mid-year point to ensure that it is based on the latest available information and to make monitoring of the Programme more meaningful. It enables Managers to review their schemes with the most up to date information and to review the resources available. It also provides a base upon which to build future Capital Programmes.
- 5.3 Members are kept informed of the financial position of the Capital Programme through regular monitoring reports. The last such report was presented to Cabinet and Executive Overview and Scrutiny in September 2011 and reported on a Capital Programme of £11.192m for 2011/2012.

## **6.0 REVISED CAPITAL PROGRAMME**

- 6.1 Directorate Service Heads have reviewed their respective schemes and have made changes as a result of more up to date information that has become available. The reviews incorporated a number of considerations including:
  - re-profiling of schemes
  - changes to external funding availability
  - levels of anticipated funding required
  - anticipated levels of demand
- 6.2 Directorate Service Heads have made budget virements to enable schemes to progress and have re-aligned resources to reflect spending profiles and the nature of expenditure.
- 6.3 All changes made to the 2011/2012 Programme are analysed in Appendix A and show an overall increase of £1.298m. This comprises:
  - a reduction of £0.863m from approvals reprofiled into future programmes
  - an increase of £1.884m from external funding:
    - Flood Alleviation Grants
    - LCC contribution to Registry Office in 52 Derby Street
    - Air Source Heating Grant in Bickerstaffe
  - a reduction of £0.101m from transferring expenditure to the GRA to reflect the nature of expenditure

- transferred and additional funding of £0.388m from the HRA for a number of Housing Public Sector schemes
- £0.01m of Capital receipt funding being transferred to the Capital Pot for future consideration.
- using savings identified in the capital mid year review to fund investment in solar photovoltaic schemes which is the subject of a separate report elsewhere on the Cabinet agenda.

6.4 The Revised Capital Programme totals £12.491m for 2011/2012. This is analysed by Division in Appendix B along with a summary of the revised capital resources available. The Programme will also be amended depending on decisions taken by Members in relation to the Land Disposal for Affordable Housing report which is a separate item elsewhere on the Cabinet Agenda.

## **7.0 CAPITAL EXPENDITURE**

7.1 Generally, capital schemes are profiled with relatively low spending compared to budget in the early part of the financial year with increased spending as the year progresses. This reflects the fact that many new schemes have considerable lead in times, for example, because of the need to undertake the tendering process and award contracts at the start of the scheme. Other schemes are dependant on external partner funding and schemes can only begin once their funding details have been finalised. Other schemes include contract retentions or contingencies that will only be spent some time after completion of the contract. Most schemes then progress and spend in line with their approval by the year-end.

7.2 This pattern has been repeated in the current year with £3.14m (25%) of expenditure having been incurred by the mid-year. This is slightly higher than the £2.673m (24%) at the same point in 2010/2011 and compares to £2.398m (19%) in 2009/2010 and £3.448m (29%) in 2008/2009.

7.3 There is also currently around £0.95m of committed expenditure due to take place over the coming months. Taking this into account would show an increase in the percentage spend against the Revised Programme to 33%.

7.4 Appendix C provides the Directorate Service Heads' comments on the progress of schemes against the Revised Programme. Housing Public Sector schemes represent 59% of the overall programme. Consequently, progress in this area will largely determine the overall spending position at the year end.

## **8.0 CAPITAL RESOURCES**

8.1 There are sufficient resources identified to fund the 2011/2012 Revised Capital Programme as shown in Appendix A.

8.2 The main area of the capital resources budget that is subject to variation is in relation to capital receipts. These are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy legislation) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.

- 8.3 Members are aware that, in recent years, receipts from this source have fallen dramatically. The budget for usable capital receipts to be generated from Council House sales in the year is £0.175m from 16 sales. At the beginning of October, 6 sales have been completed generating £0.091m. Consequently, it looks likely that this budget target will be met albeit with fewer sales.
- 8.4 In addition to receipts from council house sales, the Council budget includes £0.05m for receipts from land sales in line with the Asset Management Strategy. To date there have been no land sales.
- 8.5 A full review of expenditure plans and funding availability for future years is progressing. This will be considered as part of the Budget process with a view to ensuring a balanced Programme that will be managed over a medium term timescale.

## **9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 9.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. Individual project plans address sustainability and Community Strategy issues and links to Corporate Priorities. The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable. This report provides an updated position on project plans and shows progress against them.

## **10.0 RISK ASSESSMENT**

- 10.1 Capital assets shape the way services are delivered for the long term and, as a result, create financial commitments. The formal reporting of performance against the Capital Programme is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. Schemes within the Programme that are reliant on external contributions and/or decisions are not started until funding is secured. Other resources that are subject to fluctuation are monitored closely to ensure availability. The capital receipts position is scrutinized on a regular basis and managed over the medium term to mitigate the risk of unfunded capital expenditure.

---

---

### **Background Documents:**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore, no Equality impact assessment is required.



**Appendices:**

- A Summary of Changes to 2011/2012 Capital Programme
- B 2011/2012 Revised Capital Programme Expenditure and Resource Budgets and Mid Year Performance
- C Directorate Service Heads' Comments at Mid-Year
- D Minute of Cabinet – 15 November 2011 (*Executive Overview and Scrutiny Committee and Council only*)
- E Minute of Executive Overview and Scrutiny Committee – 1 December 2011 (*Council only*)



**2011/2012 REVISED CAPITAL PROGRAMME  
SUMMARY OF CHANGES**

APPENDIX A

SCHEME	REASON FOR AMENDMENT	2011/2012	2012/2013
		£'000	£'000
CCTV Relocation/Upgrades	Cannot commence till 1st April 2012	-574	574
Christmas Lights	Not required. To be considered in Medium Term Programme.	-16	
Flood Alleviation Schemes	Grant funding for schemes now confirmed	1,766	
Conservation Area Grants	Expenditure to be transferred to revenue	-15	
Corporate Property	Additional works for registry office less transfer of certain spending categories to revenue	-42	
Estates ICT System	Delay in start of project	-5	5
Parish Capital Grants	A saving of £10,000 has been recognised from the delivery of projects being at a lower cost than originally estimated. £30,000 has been reprofiled due to delay on progress on delivery by individual Parishes.	-40	30
Renovation	Approval reprofiled while a review of service provision takes place as agreed by Cabinet in March 2011	-100	100
Clearance	Commitments that will not be completed until the new financial year	-38	38
Empty Properties	Government Policy awaited.	-100	100
Energy Efficiency	Additional Heating Programme, Solar Panels, and budget realignment.	88	
Environmental Improvements	Budget Realignment to meet contractual commitments	15	
Fixtures and Fittings	Budget Realignment to meet contractual commitments	24	
Newly Arising Decent Homes	The original budget was a provisional estimate and will not be fully required in the year	-247	
Professional Fees	This is a technical adjustment to reflect the fact that professional fees were not separately identified when the budget was set. The level of professional fees continues to be around 8% of the programme as in previous years.	381	
Structural Works	This change incorporates essential cladding and re-roofing works at Whitburn together with budget realignment of other items	113	
Housing Capital Contingency	This adjustment will provide a total capital contingency for the housing public sector programme of 3.5%	88	
<b>Total Adjustments</b>		<b>1,298</b>	<b>847</b>



**CAPITAL PROGRAMME**  
**2011/2012**  
**EXPENDITURE AND RESOURCE BUDGETS**  
**At Mid Year**

Directorate/Service	Budget Approval	Actual		Variance	
	£'000	£'000	%	£'000	%
<b>EXPENDITURE</b>					
<b>People and Places</b>					
Community Services					
Private Sector Housing	1,077	514	48%	563	52%
Other Community Services	2,535	359	14%	2,176	86%
<b>Transformation</b>					
Planning	22	3	12%	19	88%
Housing and Regeneration					
Housing Public Sector and Housing Strategy	7,375	1,691	23%	5,684	77%
Corporate Property	1,251	550	44%	701	56%
Regeneration	38	2	4%	37	96%
Corporate Services	193	22	12%	171	88%
	<b>12,491</b>	<b>3,140</b>	<b>25%</b>	<b>9,351</b>	<b>75%</b>
<b>RESOURCES</b>					
Capital Grants	2,769				
MRA	4,434				
GRA	521				
HRA	929				
Capital Receipts	3,009				
Internal Borrowing	830				
	<b>12,491</b>				



**CAPITAL PROGRAMME 2011/2012**  
**DIRECTORATE SERVICE HEADS' COMMENTS**  
**AT MID YEAR POINT**

**Housing Private Sector**

Following the suspension of the Home Loans Scheme, approvals have been reprofiled into the next financial year while a review takes place. Approvals on the Clearance Programme have been reprofiled as commitments will not be completed until the new financial year. Approvals for the Empty Homes Initiative have also been reprofiled as Government Policy is still awaited.

The full Disabled Facilities Grant budget has been committed although some expenditure may be slipped into the next financial year due to the timing of grant payments.

**Community Services**

Works are ongoing on Flood Alleviation Schemes and the full amount of grant funding has been added to the Programme. CCTV approvals have been reprofiled as works are not expected to commence until April 2012 following the tender exercise that is underway.

Works are substantially complete at Stanley Coronation Park, Mossy Lea Play Areas and Halsall Lane Park and works on Outdoor Gyms should be completed in the Autumn. Works on Banks, Tanfields and Richmond Parks are complete, however, access works at Richmond Park will cause an overspend in the region of £10,000. There is also a small overspend on Manor Road Park. Both will be funded from underspends elsewhere within the Service later in the year. Works at Coronation Park are at the Planning stage and Lottery funding has yet to be claimed for MUGA and Play Engagement works.

Works are complete on Allotments and at Aughton Street where the final invoice is awaited.

Expenditure continues on the Leisure Trust contract and is in line with the agreed budget.

**CAPITAL PROGRAMME 2011/2012**  
**DIRECTORATE SERVICE HEADS' COMMENTS**  
**AT MID YEAR POINT**

**Planning**

It is intended to transfer £15,000 of approvals from the Conservation Area Enhancement budget to revenue for expenditure in accordance with a recent Planning Committee decision. It is anticipated that this will be reimbursed at some future date when this funding can be put back in to the Capital Programme.

All three remaining schemes are demand led. Conservation Area Enhancement approvals are fully committed for the year and any overspend on the Free Tree Scheme can be funded by a small Revenue contribution from within the Heritage Budget. No expenditure has been incurred to date on Buildings at Risk.

**Corporate Property**

Lancashire County Council has made a contribution to works at 52 Derby Street for the Registry Office and schemes of a revenue nature have been transferred to revenue.

Savings of £38,000 have been identified in the mid year review which will be used to fund the installation of solar photovoltaic panels at Robert Hodge Centre and Sandy Lane.

All remaining schemes are progressing well and it is anticipated, barring extenuating circumstances, that all projects should be completed or nearing completion by March 2012.

**Regeneration and Estates**

The development phase of the Skelmersdale Town Centre Project is continuing although progress has been slower than anticipated due to the economic climate.

Expenditure on the Estates ICT System relates to potential shared service arrangements which are subject to on-going discussions.



**CAPITAL PROGRAMME 2011/2012**  
**DIRECTORATE SERVICE HEADS' COMMENTS**  
**AT MID YEAR POINT**

**Housing Public Sector and Housing Strategy**

The Housing Public Sector Programme has been thoroughly reviewed to take account of new contracts awarded for the financial year. Original budgets have been moved between schemes to facilitate the implementation of the new contracts, and amendments made to reflect transferred and additional funding from the HRA. All of the adjustments are detailed in Appendix A to this report.

Expenditure on the Bin Store scheme is linked to the rollout of the Council's new wheelie bin programme and the Affordable Housing Budget will be contractually committed by the end of the financial year although some expenditure may be slipped into the next financial year due to the timing of payments. The remaining programme will be delivered within the new budgets allowing for some retention at the end of the year.

**Corporate Services**

Allocation of approvals to projects for ICT Infrastructure, Electronic Document Management and ICT Development were agreed at Cabinet in September. Expenditure against these approvals is progressing.

The progress made on delivering Parish Capital Schemes rests with individual Parishes. A saving of £10,000 has been recognised in the mid year review largely from the delivery of projects at a lower cost than the original estimates.



**2011/2012 REVISED CAPITAL PROGRAMME  
UPDATED SUMMARY OF CHANGES**

APPENDIX A

SCHEME	REASON FOR AMENDMENT	2011/2012	2012/2013
		£'000	£'000
CCTV Relocation/Upgrades	Cannot commence till 1st April 2012	-574	574
Christmas Lights	Not required. To be considered in Medium Term Programme.	-16	
Flood Alleviation Schemes	Grant funding for schemes now confirmed	1,766	
Conservation Area Grants	Expenditure to be transferred to revenue	-15	
Corporate Property	Additional works for registry office less transfer of certain spending categories to revenue	-42	
Estates ICT System	Delay in start of project	-5	5
Parish Capital Grants	A saving of £10,000 has been recognised from the delivery of projects being at a lower cost than originally estimated. £30,000 has been reprofiled due to delay on progress on delivery by individual Parishes.	-40	30
Renovation	Approval reprofiled while a review of service provision takes place as agreed by Cabinet in March 2011	-100	100
Clearance	Commitments that will not be completed until the new financial year	-38	38
Empty Properties	Government Policy awaited.	-100	100
Energy Efficiency	Additional Heating Programme, Solar Panels, and budget realignment.	88	
Environmental Improvements	Budget Realignment to meet contractual commitments	15	
Fixtures and Fittings	Budget Realignment to meet contractual commitments	24	
Newly Arising Decent Homes	The original budget was a provisional estimate and will not be fully required in the year	-247	
Professional Fees	This is a technical adjustment to reflect the fact that professional fees were not separately identified when the budget was set. The level of professional fees continues to be around 8% of the programme as in previous years.	381	
Structural Works	This change incorporates essential cladding and re-roofing works at Whitburn together with budget realignment of other items	113	
Housing Capital Contingency	This adjustment will provide a total capital contingency for the housing public sector programme of 3.5%	88	
Affordable Housing	Funding replaced by contribution of land to Affordable Housing scheme. Approved Cabinet November 2011.	-150	
<b>Total Adjustments</b>		<b>1,148</b>	<b>847</b>



**CAPITAL PROGRAMME**  
**2011/2012**  
**EXPENDITURE AND RESOURCE BUDGETS**  
**At Mid Year**  
**Updated for Affordable Housing Approval**

Directorate/Service	Budget Approval	Actual		Variance	
	£'000	£'000	%	£'000	%
<b>EXPENDITURE</b>					
<b>People and Places</b>					
Community Services					
Private Sector Housing	1,077	514	48%	563	52%
Other Community Services	2,535	359	14%	2,176	86%
<b>Transformation</b>					
Planning	22	3	12%	19	88%
Housing and Regeneration					
Housing Public Sector and Housing Strategy	7,225	1,691	23%	5,684	77%
Corporate Property	1,251	550	44%	701	56%
Regeneration	38	2	4%	37	96%
Corporate Services	193	22	12%	171	88%
	<b>12,341</b>	<b>3,140</b>	<b>25%</b>	<b>9,351</b>	<b>543%</b>
<b>RESOURCES</b>					
Capital Grants	2,769				
MRA	4,434				
GRA	521				
HRA	929				
Capital Receipts	2,859				
Internal Borrowing	830				
	<b>12,341</b>				





## **AGENDA ITEM: 11**

**CABINET: 15<sup>th</sup> November 2011**

**EXECUTIVE OVERVIEW AND  
SCRUTINY: 1<sup>st</sup> December 2011**

---

**Report of: Borough Treasurer**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillors D Westley and A Owens**

**Contact: Marc Taylor (Extn. 5092)  
(E-mail: Marc.Taylor@westlancs.gov.uk)**

---

### **SUBJECT: REVENUE BUDGET MID YEAR REVIEW**

---

Wards affected: Borough Wide

#### **1.0 PURPOSE OF THE REPORT**

1.1 To provide a projection of the financial position on the General and Housing Revenue Accounts to the end of the financial year.

#### **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the financial position of the Revenue Accounts be noted including the position on reserves and balances.

2.2 That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1<sup>st</sup> December 2011.

#### **3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the financial position of the Revenue Accounts be noted.

---

#### **4.0 BACKGROUND**

4.1 In February 2011 the Council approved budgets for the Housing and General Revenue Accounts for the 2011-2012 financial year. It is good practice that monitoring reports are produced on a regular basis to ensure that Members are kept informed of the financial position of these accounts. This is the second

monitoring report for the year and is based on information available in October 2011.

## **5.0 GENERAL REVENUE ACCOUNT**

- 5.1 The Council has set a revenue budget of £14.277m for the financial year. In total current projections forecast that net expenditure will be around £320,000 below this target, which represents a small variance of around 2.2%.
- 5.2 The projections have been calculated on a prudent basis, and experience from past years suggests that the overall position may improve over the remainder of the year. Consequently it can be confidently expected that the Council will achieve a surplus by the year end. This will continue our strong track record of managing our financial performance to ensure that the outturn position is in line with the budget.
- 5.3 The Council's Business Plan sets out a four-year process to save money and protect frontline services within a very challenging financial environment. As part of this process, the Budget that was agreed for this year included a target to save £350,000 through the different work streams set out in the Business Plan. Key elements of these work streams included the Major Service Review process and the setting up of a shared services arrangement for the delivery of Revenues, Benefits and IT Services with the County Council and One Connect Ltd. Good progress has been made in delivering these initiatives and as a consequence the budget target for the year will be exceeded, as savings have been made faster and earlier than originally expected.
- 5.4 Employee costs form a significant proportion of the Council's total budget and consequently are very important from a budget management perspective. The budget contains a corporate target for staff efficiency savings of £280,000, and the active management of staffing levels will mean that this target will be exceeded, which is another key element in the overall favourable variance. This factor will also offset additional costs that have been incurred as a result of successful staff appeals against job evaluation scores.
- 5.5 The external income that the Council generates can be one of the most volatile areas of the budget, with income going up and down due to factors outside our direct control. This area is particularly at risk at the moment given the state of the economy. However at the current time income levels, while under pressure, are performing close to budget in most areas.
- 5.6 There are a number of services where income is currently performing slightly below the budget target including Planning, Local Searches and Car Parks. However these variances are relatively minor in the context of the Council's overall financial position, and consequently external income levels are currently satisfactory.
- 5.7 Since the economic downturn started there has been a considerable increase in benefits expenditure, which is a demand led service that is not within the direct control of the Council. While the majority of this expenditure is funded by



government grant through a complex subsidy system, a small element of these payments must be picked up by the Council, and so the higher level of payments means higher costs for the Council. However this position has stabilised this year and so is not expected to cause any significant additional spending pressures.

- 5.8 The Appendix to this report provides further details on the performance of individual service areas. Where financial issues have been identified through the mid-year review process and are expected to persist they will be given further consideration through the budget setting process for 2012-13.

## **6.0 HOUSING REVENUE ACCOUNT**

- 6.1 The Council set a gross budget for the Housing Revenue Account (HRA) of £22.273m. While there are a number of spending pressures on the HRA budget, current projections indicate that the budget target will be achieved at the year end with a small surplus being delivered.

- 6.2 The main HRA income source is rental income. Council house Right to buy sales have continued to remain low and this has helped to stabilise rental income. A change in accounting practice agreed with our External Auditors will also result in increased income for the year.

- 6.3 Additionally, the Council has been successful in achieving a HRA subsidy rebate of £288,000. It is intended that the majority of this funding will be put into capital schemes, and details on this are contained within the mid year capital review report. It is also intended that £97,000 of this funding will be used to create an Estate Remodelling Reserve for the former New Town at Skelmersdale, and this item will be included in the Reserves Policy to be considered by Council at its meeting in February 2012.

## **7.0 RESERVES AND BALANCES**

- 7.1 The Council is facing a challenging medium term financial position as are all other local authorities. However the GRA has an adequate level of reserves which will enable it to deal with these challenges effectively, and the District Auditor has recently concluded that these reserves are at a prudent level.

- 7.2 When the HRA budget was approved it was agreed that £132,000 would be taken from reserves and balances to support it. The overall level of reserves remains adequate though even after this contribution has been taken into account. Given that a small surplus is now projected on the HRA, the actual amount of funding that will need to be taken from reserves will need to be reviewed as part of the process for closing down the year end accounts.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 8.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **9.0 RISK ASSESSMENT**

- 9.1 The formal reporting of performance on the General and Housing Revenue Accounts is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.
- 9.2 The projected variances contained in this report reflect current estimates of the likely difference between spending / income and budget for the full financial year. These estimates are based on current data and are subject to change during the remainder of the year as new information becomes available. In particular external income levels are at risk from any down turn in the economy.

## **10.0 CONCLUSIONS**

- 10.1 Both the GRA and the HRA are on course to achieve their budget targets. The level of reserves and balances also continues to be adequate for prudent financial management. This continues the trend of strong financial performance achieved by the Council over many years.
- 10.2 Where financial issues that have been identified in this mid-year review are expected to persist into the future they will be taken into account in the budget setting process for 2012-13.

---

---

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

Appendix 1 – General Revenue Account Projected Outturn Position

## GENERAL REVENUE ACCOUNT PROJECTED OUTTURN POSITION

Budget area	Net Budget £000	Variance from Budget £000	Variance %
Community Services	4,707	-150	-3.2%
Corporate Services			
- Borough Solicitor	1,348	-10	-0.7%
- Borough Treasurer	1,395	-25	-1.8%
- Transformation Manager	1,854	-40	-2.2%
Housing and Regeneration	463	-95	See note
Planning Services	1,936	-15	-0.8%
Street Scene	5,778	-100	-1.7%
Service Total	17,481	-435	-2.5%
Central Budget Items	-1,050	115	See note
Non Service Items	-2,154	0	0.0%
<b>TOTAL BUDGET REQUIREMENT</b>	<b>14,277</b>	<b>-320</b>	<b>-2.2%</b>

Table Notes

The budget figures for each Service have been updated to include capital accounting adjustments and the allocation of central budget items to services. These are technical accounting adjustments that do not affect the bottom line budget requirement, which has remained unchanged during the year at £14.277m.

Housing and Regeneration has a relatively small net budget requirement because it contains Property Services which is a support service that recharges most of its costs to other services, and also the Community Related Assets portfolio, which generates a significant amount of external income.

General

It should be recognised that some areas of the budget are within the Council's control, for example the filling of vacant posts to achieve salary savings. However other areas such as external income can be volatile where we are exposed to market forces. In addition some service areas are demand led where it can be difficult to directly control expenditure.

Community Services – Favourable variance £150,000

There is projected to be a significant favourable variance for the Service with the largest single contributory factor being managed savings on staffing.

Licensing income is currently in excess of the budget and a favourable variance is anticipated at the year end.

Car park income is currently below target with an anticipated adverse variance by the year end. This follows a similar pattern to previous years whereby an increase in the level of charges results in some initial resistance. As the year progresses this resistance tends to reduce. The number of Bank Holidays early in the year has also had

an adverse effect. Income from fines is anticipated to be in excess of budget and should compensate for the shortfall in income from car park charges. The additional income from fines reflects the increased level of enforcement now in operation.

Income from both regular and casual stallholders on the Ormskirk Market is currently in line with the budget. However, as in previous years, the possibility of inclement weather during the winter months may well adversely affect future income levels.

Within Private Sector Housing an overall balanced budget position should be achieved after allowing for additional expenditure on the Home Loans scheme, which is an issue that has been previously reported to Members. Income performance on the Lifeline Scheme is significantly in excess of the budget target and reflects a recent expansion of activity. This financial position will be considered in more detail as part of the process of drawing up a business plan for this service area.

#### Borough Solicitor – Favourable variance £10,000

Income from Local Searches is currently performing slightly below the budget target as a result of a combination of market factors and a Government decision to revoke the fee for personal searches of the Local Land Charges Register. This factor will need to be given further consideration through the budget process. However there are a number of minor savings that are being made on other budget headings which should ensure that the service has an overall favourable variance.

#### Borough Treasurer – Favourable variance £25,000

Staffing and other budgets are being effectively controlled which should result in a small favourable variance being delivered over the course of the year. This includes savings through reduced external audit fees and lower pension costs.

#### Transformation Manager – Favourable variance £40,000

There are a number of issues giving rise to the overall favourable position. The largest variance relates to savings on salary costs resulting from the active management of staffing levels. There are also a range of minor savings on other budget headings that have contributed to this positive financial performance.

#### Housing and Regeneration – Favourable variance £95,000

The active management of staffing levels and non staffing budgets has generated a significant favourable variance within the Service.

Within Property Services, repairs and maintenance costs are being effectively controlled. However there are a number of adverse variances on utility costs, particularly in relation to water bills.

The economic climate is particularly challenging from an income generation point of view but the Community Related Assets portfolio is proving resilient and should achieve its budget targets. However as previously reported, the ring fenced Investment Centre account is facing a very challenging time and is forecast to make a sizeable loss this financial year. Changes in the rules on empty business rates liability are also having a detrimental impact.

When all of these factors are put together the overall position is that a small favourable variance should be achieved by the financial year end.

### Planning Services – Favourable variance £15,000

There is currently a projected adverse variance on development control income as a result of the state of the economy and due to factors that are outside the Council's control. However this position could improve if any large scale applications come through in the second half of the year. Income on building control is currently running below budget and is also predicting an adverse variance. The new charges for pre-application fees are however running above the budget target. In overall terms though, income is performing better than at the same point last year.

The projected adverse variance on income is being more than offset by managed savings on staffing that should enable the Service to achieve an overall favourable variance.

### Street Scene – Favourable variance £100,000

New Working arrangements continue to be introduced across all service areas and are contributing to an improved position, which has assisted in a reduction in fuel usage by around 8%. However fuel prices have increased in particular diesel which has increased by over 10% on last year's average and will therefore create an adverse variance.

Payroll costs have continued to reduce as a result of efficiencies from the waste transfer facility and the zoned working arrangements. Additional vehicle hire costs have been incurred as a result of the transport tender evaluation procedure, but this is a temporary consequence. Looking ahead the winter months may prove problematic from a service delivery perspective but overall the service should outturn with a favourable variance of around £100,000.

### Central Budget and Non Service Items

This heading covers a range of corporate budgets including savings targets, treasury management, and capital charges. Central savings targets for staff and other efficiency improvements are all held in this area. The actual savings that are made in relation to these items are contained within Services. Consequently savings made elsewhere will help to offset the adverse variances on these budget items.





**AGENDA ITEM: 12**

**PLANNING COMMITTEE:  
10 November 2011**

**CABINET: 15 November 2011**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
1 December 2011**

---

**Report of: Borough Planner**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor M Forshaw**

**Contact for further information: Mr P Richards (Extn. 5046)  
(E-mail: peter.richards@westlancs.gov.uk)**

---

**SUBJECT: MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK TO A  
LOCAL PLAN**

---

Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To propose that the Borough's local planning policy should be prepared as a single Local Plan document, to reflect the proposed policy in the draft National Planning Policy Framework (NPPF), and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

**2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

**3.0 RECOMMENDATIONS TO CABINET**

3.1 That, subject to consideration of the decision of Planning Committee (Appendix 1), the move to draw together the preparation of the Core Strategy, Development Management Policies and the Site Allocations Development Plan Documents of the Local Development Framework into a single Local Plan document be approved.

3.2 That delegated authority be given to the Borough Planner and Portfolio Holder to consider the agreed comments of the Executive Overview & Scrutiny Committee in taking forward the Local Plan process.

3.3 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 December 2011.

#### **4.0 RECOMMENDATION TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

4.1 That the report and the decision of Cabinet on 15 November 2011 (Appendix 2) be endorsed and that agreed comments in taking forward the Local Plan process be referred to the Borough Planner and Portfolio Holder for consideration.

---

#### **5.0 BACKGROUND**

5.1 The draft NPPF, published for consultation by CLG in July 2011, demonstrated a marked shift in guidance for the preparation of local planning policy in England in a number of ways, but perhaps most notably in its terminology for the type of document that Local Planning Authorities (LPAs) should prepare for their local planning policies.

5.2 The first section of the “plan-making” chapter of the draft NPPF, entitled “local plans” (paragraphs 20-26) is most pertinent to this change and states:

*Each local planning authority should produce a Local Plan for its area.  
... Any additional development plan documents should only be used  
where clearly justified. (para 21, p.7)*

5.3 While the draft NPPF does not state that LPAs must make a move from preparing an LDF (which they are currently required to prepare) to a single Local Plan immediately, it is clear that the intention in the medium- to long-term is that a single Local Plan document should be prepared.

5.4 CLG, at the time of writing this report, are yet to provide any guidance on the transitional arrangements for LPAs to move from the LDF system to a single Local Plan, although they have acknowledged the need for such guidance and are preparing some. However, it has been made clear that, in the short-term, adopted Core Strategies will be considered acceptable up-to-date policy and that, where applicable, LPAs may continue to prepare their Core Strategies and other Development Plan Documents in lieu of a single Local Plan if they desire, for example, because they have progressed these documents to a stage where to convert them to a single Local Plan would create significant delays in the adoption of those documents.

5.5 In relation to West Lancashire specifically, the preparation of the Core Strategy is at a stage where, to convert it to a Local Plan would not create any delay in the timetable. This is due the fact that amendments to the Core Strategy



Preferred Options paper are likely to be required which will result in the need for a further round of public consultation.

5.6 Therefore, West Lancashire have the option to either carry on with the preparation of the Core Strategy, and subsequently the separate Development Management Policies DPD and Site Allocations DPD, or make the move now to a single Local Plan by bringing the various elements of these three documents together.

## 6.0 PROPOSALS AND IMPLICATIONS

6.1 It is proposed that West Lancashire should now move to a single Local Plan, bringing together the draft Policies included within the Core Strategy Preferred Options paper with the early work that has been undertaken on the Development Management Policies and Site Allocations.

6.2 Paragraphs 23 and 24 of the draft NPPF set out what it is expected Local Plans will cover and include. To ensure consistency with this it is proposed that any move to a single Local Plan would involve the following:

- A similar format and structure as the Core Strategy Preferred Options paper with a strategic policy section, followed by a series of topic-based policy sections
- Adding more detail to certain existing draft Core Strategy policies to reflect new development management policy and site allocations
- Adding selected brand new policies to reflect specific new areas of policy arising out of the development management policies and site allocations work undertaken to-date

6.3 It is not expected that this move to a single Local Plan will slow down the process of preparing local planning policy vis-à-vis the existing Local Development Framework process, given that, following the Preferred Options consultation exercise officers have already identified possible changes to the Core Strategy that will require a further public consultation exercise to be undertaken. These changes will be reported to a future meeting of Cabinet in December.

6.4 It is important that the Borough's local planning policy is progressed as efficiently as possible to ensure that up-to-date policies are in place. The move at this stage to a Local Plan would actually bring forward the delivery of Development Management Policies and Site Allocations by pulling them into a single document with the Core Strategy policies.

6.5 The indicative timetable for the preparation of a single Local Plan would be as follows:

November – December 2011	Prepare Local Plan Preferred Options document and independent appraisals (SA, HRA, HIA)
January – February 2012	Local Plan Preferred Options Public Consultation 5th Jan – 17 <sup>th</sup> Feb (6 weeks)

March – June 2012	Consider Consultation Responses  Amend Local Plan for Publication (including SA, HRA and HIA)
July – August 2012	Local Plan Publication Consultation (8 weeks)
September – October 2012	Collate Representations and submit Local Plan
October 2012 – June 2013	Examination in Public
July 2013	Local Plan put before full Council for adoption

- 6.6 A further beneficial implication of moving to a single Local Plan would be that a single local planning policy document should make it easier for the general public to access and understand local planning matters. This appears to be one of the prime reasons why the Coalition Government have promoted the return to a single Local Plan system, and so by making the move now West Lancashire will be ahead of many of its contemporaries in making its planning policy more accessible to everyone.
- 6.7 Finally, a key benefit of the move to a single Local Plan will be a significant cost-saving. A single Local Plan will involve only one Examination in Public with its hearing sessions. Under the existing LDF system there would have been three Examinations, one for each document. Given that each Examination is anticipated to cost in the region of £100,000 (not including officer time), the move to a single Local Plan demonstrates a clear and significant cost-saving to the Council.
- 6.8 Therefore, it is recommended to Cabinet that West Lancashire does make the move to a single Local Plan document now and that officers are authorised to prepare a Local Plan rather than an LDF.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 Given that the move to a single Local Plan would draw together the preparation of policy that is already underway, it is not anticipated that changing the format of our local planning policy will have any effect on the sustainability of the policy that is ultimately prepared. All local planning policy will still be subject to independent Sustainability Appraisal, as required by legislation, and it will still form a key aspect in the delivery of the Sustainable Community Strategy.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 The move to a single Local Plan document for West Lancashire at this time will make significant financial savings in relation to the costs of Examination in Public and will make use of all work undertaken thus far for the LDF (i.e. no work undertaken to-date will prove abortive). There will be no additional resource implications for the preparation of a single Local Plan vis-à-vis an LDF. All costs for the preparation of the Local Plan will still remain within the revenue budget of

the Planning Service. Only the Examination in Public will require to be funded , which was also the case under the LDF approach.

## 9.0 RISK ASSESSMENT

9.1 The Coalition Government are still preparing advice to LPAs for the transition from an LDF system to a single Local Plan system, and so there is a degree of uncertainty. However, it is very clear that the ultimate aim is that all LPAs will have to prepare a Local Plan sooner or later, so West Lancashire will be ahead of the majority of its contemporaries in this regard.

9.2 In addition, by moving to a Local Plan now, West Lancashire avoids the risk of preparing its various LDF documents and then being instructed to prepare a Local Plan to replace them having only just adopted the LDF documents if, in the future, the Coalition Government choose to encourage the preparation of a single Local Plan even if existing policy is up-to-date.

### Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
25 <sup>th</sup> July 2011	Draft National Planning Policy Framework	

Available from:

<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

### Appendices

1. Minute of Planning Committee – 10 November 2011 (Cabinet and Executive Overview & Scrutiny Committee only)
2. Minute of Cabinet – 15 November 2011 (Executive Overview & Scrutiny Committee only)

### Equality Impact Assessment

1.	Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <ul style="list-style-type: none"> <li>• <i>People of different ages – including young and older people</i></li> <li>• <i>People with a disability;</i></li> <li>• <i>People of different races/ethnicities/ nationalities;</i></li> </ul>	<b>No</b>
----	---	-----------

<ul style="list-style-type: none"> <li>• <i>Men;</i></li> <li>• <i>Women;</i></li> <li>• <i>People of different religions/beliefs;</i></li> <li>• <i>People of different sexual orientations;</i></li> <li>• <i>People who are or have identified as transgender;</i></li> <li>• <i>People who are married or in a civil partnership;</i></li> <li>• <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i></li> <li>• <i>People living in areas of deprivation or who are financially disadvantaged.</i></li> </ul>	
<p>2. What sources of information have you used to come to this decision?</p>	<p><b>National Planning Policy Guidance</b></p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><b>No</b></p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:</p> <ul style="list-style-type: none"> <li>• <i>Eliminate discrimination, harassment and victimisation;</i></li> <li>• <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i></li> <li>• <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></li> </ul>	<p><b>Help – moving to a single Local Planning document should aid accessibility to local planning policies for all groups</b></p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p><b>N/A</b></p>

## **APPENDIX 1 - MINUTE OF THE PLANNING COMMITTEE – 10 NOVEMBER 2011**

### **53. MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK (LDF) TO A LOCAL PLAN**

Consideration was given to the report of the Borough Planner as contained on pages 791 to 796 of the Book of Reports, the purpose of which was to propose that the Borough's local planning policy should be prepared as a single Local Plan document, to reflect the proposed policy in the draft National Planning Policy Framework (NPPF), and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

RESOLVED: A. That the contents of the report be noted.

(Note: Councillor Westley left the Chamber during consideration of this item and was not present for the remainder of the meeting).



**68. MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK (LDF) TO A LOCAL PLAN**

Councillor Forshaw introduced the report of the Borough Planner which proposed that the Borough's local planning policy should be prepared as a single Local Plan document, to reflect the proposed policy in the draft National Planning Policy Framework (NPPF), and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

Cabinet was advised that the Planning Committee on 10 November 2011 had noted the report and recommendations to Cabinet.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the move to draw together the preparation of the Core Strategy, Development Management Policies and the Site Allocations Development Plan Documents of the Local Development Framework into a single Local Plan document be approved.
  - B. That delegated authority be given to the Borough Planner and Portfolio Holder to consider the agreed comments of the Executive Overview & Scrutiny Committee in taking forward the Local Plan process.
  - C. That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 December 2011.







**AGENDA ITEM: 13**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
1 December 2011**

**PLANNING COMMITTEE:  
8 December 2011**

**CABINET: 14 December 2011**

---

**Report of: Borough Planner**

**Relevant Managing Director: Transformation**

**Relevant Portfolio Holder: Councillor M Forshaw**

**Contact for further information: Mr P Richards (Extn. 5046)  
(E-mail: peter.richards@westlancs.gov.uk)**

---

**SUBJECT: PREFERRED OPTION LOCAL PLAN**

---

Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To recommend the Local Plan Preferred Options document, and its supporting documentation, for public consultation in January / February 2012.

**2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

**3.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

3.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

**4.0 RECOMMENDATIONS TO CABINET**

- 4.1 That Cabinet, subject to consideration of the comments of the LDF Cabinet Working Group, Executive Overview & Scrutiny Committee and Planning Committee, approve the Local Plan Preferred Options document at Appendix 1 to this report for public consultation in January / February 2012.
  - 4.2 That Cabinet have regard to the six documents provided in Appendices 2-7 in their decision on the recommendation at 4.1, which will also be publicly available for comment as part of the Local Plan Preferred Options consultation.
  - 4.3 That Call In is not appropriate for this item as the report has been submitted to the Executive Overview & Scrutiny Committee on 1 December 2011.
- 

## **5.0 BACKGROUND & CURRENT POSITION**

- 5.1 The Local Plan Preferred Options document has been prepared over the past few months following on from the public consultation on the Core Strategy Preferred Options Paper in May / June 2011 and consideration of the implications of the draft National Planning Policy Framework (NPPF).
- 5.2 The Local Plan Preferred Options brings together in a single document several strands of local planning policy that were to be covered in separate documents under the Local Development Framework:
  - The more strategic policies that were included in the Core Strategy Preferred Options paper;
  - Development Management Policies that were to be included in a separate Development Management Policies DPD; and
  - The allocation of specific sites for specific types of development that would have been included in a separate Site Allocations DPD.
- 5.3 The policies cover various topics, including economic development, residential development, infrastructure and services provision and the environment and climate change. The timescale of the Local Plan remains the same as was planned for in the Core Strategy – a 15-year period from 2012 to 2027.
- 5.4 Given that the Local Plan is bringing together several strands of work, which were at different stages of preparation, the Local Plan Preferred Options document is a combination of policy that was consulted upon previously (and has since been amended to reflect comments received and new evidence that has come to light) and brand new policy related to specific development management issues and site allocations. This has resulted in a mixture of amended policies (including adding aspects of development management and site allocations into what was Core Strategy policy) and brand new policies on specific, detailed matters that were not covered by previous draft policy.
- 5.5 Aside from relatively minor changes to policy wording and the introduction of development management policy and site allocations, compared to the Core

Strategy Preferred Options (CSPO) paper there are three key changes to strategic policy in the Local Plan, which are set out in the next section of this report, together with the new elements of policy that have been added. However, it should be stressed that the regeneration of Skelmersdale remains the focal point of the Local Plan and Skelmersdale will still take more than half of all development over the plan period.

5.6 The Local Plan Preferred Options document has been prepared for Cabinet to consider for public consultation. Should Cabinet approve the document for public consultation it will be put out for a six week public consultation period (from 5th January to the 17<sup>th</sup> February 2012) in order to gain the views and comments of the general public and stakeholders on the document. Details of the Public Consultation exercise proposed are set out in Section 7.0 below.

5.7 Several other documents (provided in Appendices 2-7 of this report) will also accompany the Local Plan Preferred Options document at public consultation and will be available for comment:

- A Sustainability Appraisal (SA) of the Local Plan Preferred Options
- A Habitat Regulations Assessment (HRA) Screening Report for the Local Plan Preferred Options
- A Health Impact Assessment (HIA) of the Local Plan Preferred Options
- An Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options
- A Rural Proofing Assessment of the Local Plan Preferred Options
- An Infrastructure Delivery Plan (IDP) – a document that will ultimately accompany the final Local Plan and inform future decisions on infrastructure improvements and funding

5.8 Following this public consultation, the Local Plan will be refined, taking into account any relevant comments received during the consultation, and brought back to Cabinet for agreement of the Council's responses to the comments received during the consultation in January / February 2012 and approval to publish a Publication version of the Local Plan for public consultation

5.9 This Publication version will be available for a final round of public consultation to seek formal representation on the document, before both the Publication version Local Plan and the representations received are submitted to the Secretary of State for an Examination in Public. Following the Examination, the Local Plan will be put forward to full Council for adoption.

## **6.0 PROPOSALS**

### Key Amendments to Strategic Policy

6.1 There are three key changes in the Local Plan Preferred Options document to policy that was previously consulted upon in the Core Strategy Preferred Options (CSPO) paper:

- Amendments to Housing and Employment Land targets (Policy SP1)

- 6.2 The overall housing target for the 15-year plan period has increased slightly to **4,650 dwellings** (was 4,500 dwellings) due to the impending abolition of the Regional Spatial Strategy and its housing targets and the need to calculate an up-to-date target based on the most recent evidence, factoring in the need to make up the shortfall in housing provision over recent years. This evidence has included the CLG Household Projections (2008), the Council's own Strategic Housing Market Assessment (SHMA), the Council's own Housing Need & Demand Study and its accompanying Affordable Housing Viability Study.
- 6.3 This target averages out at 310 dwellings a year, but the Local Plan staggers this annual target to better reflect economic uncertainty at the start of the Local Plan period, resulting in the following annual targets:

2012-2017	260 dwellings a year
2017-2022	320 dwellings a year
2022-2027	350 dwellings a year

- 6.4 To respond to consultation comments received expressing concern that the disaggregation of this housing target across the different spatial areas of the Borough was too heavily skewed towards Skelmersdale and raised questions over the deliverability of such a large amount of housing (3,000 dwellings) in Skelmersdale, the way this housing target is split across the towns and rural areas of the Borough has been altered, as follows:

Housing Targets	CSPO (May / June 2011)*	Local Plan (Dec 2011)
Skelmersdale & Up Holland	3,000 dwellings	2,400 dwellings
Ormskirk & Aughton	300 dwellings	750 dwellings
Burscough	800 dwellings	850 dwellings
Northern Parishes	240 dwellings	400 dwellings
Eastern Parishes	80 dwellings	100 dwellings
Western Parishes	80 dwellings	150 dwellings
<b>Total</b>	<b>4,500 dwellings</b>	<b>4,650 dwellings</b>

\* based on Preferred Option incorporating Yew Tree Farm Strategic Development Site

- 6.5 The new disaggregation of the housing target reflects a 600 dwelling reduction in Skelmersdale & Up Holland, which is made up in other parts of the Borough through the identification of further capacity due to the lack of housing delivery on sites with planning permission over the past two years and a re-assessment of other sites which had previously been ruled out. However, it still involves a proportion of housing (750 dwellings – was 600 dwellings in CSPO) that can only be delivered if a small amount of Green Belt is released for development.

6.6 The employment land target has also been amended to take account of the most recent data on historic take-up of employment land, which reflects the significantly reduced delivery of new employment land in recent years. This historic take-up informs the prediction of what delivery is likely over the next 15 years, taking into account that the market is still feeling the effects of a recession and may never recover to deliver at such rates as seen in previous years. Therefore, this target has been revised downwards from 87 ha in the CSPO to 75 ha in the Local Plan over the 15-year plan period. This new target has been disaggregated as follows:

<b>Employment Land Targets</b>	<b>CSPO (May / June 2011)*</b>	<b>Local Plan (Dec 2011)</b>
Skelmersdale & Up Holland	60 ha	52 ha
Ormskirk & Aughton	-	-
Burscough	17 ha	13 ha
Northern Parishes	3.5 ha	3.5 ha
Eastern Parishes	6.5 ha	6.5 ha
Western Parishes	-	-
<b>Total</b>	<b>87 ha</b>	<b>75 ha</b>

\* based on Preferred Option incorporating Yew Tree Farm Strategic Development Site

6.7 This reduction in target means that less Green Belt land will be required for employment land development, off-setting the additional amount required for housing development.

6.8 However, despite the amendments to the housing and employment land targets, it is clear that Skelmersdale is still the focus for development over the Local Plan period, with over half of all new housing and over two-thirds of all employment land development being targeted in Skelmersdale & Up Holland. Therefore, the Skelmersdale Town Centre Strategic Development Site (Policy SP2) is still vital to the delivery of development and regeneration in the town.

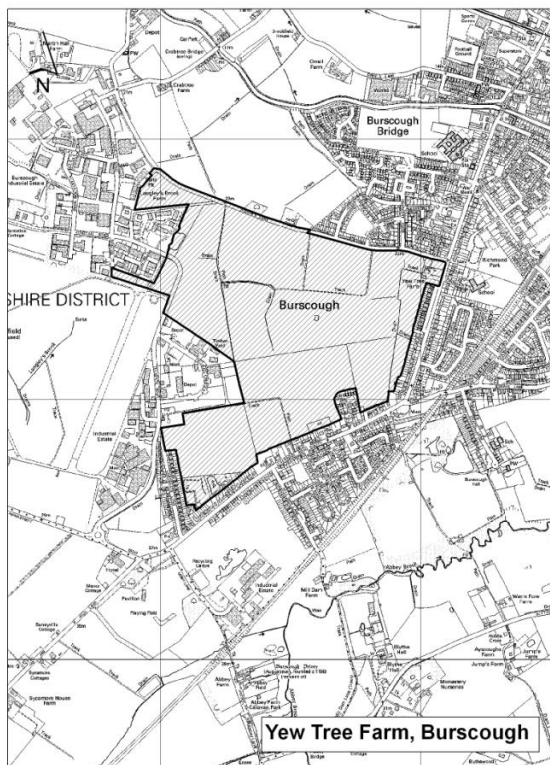
- Selection of a Preferred Option for Green Belt release

6.9 The changes in housing and employment land targets have meant that what is required (and where) in terms of Green Belt release has changed somewhat. Firstly, less Green Belt land is required for employment land, meaning that the Area of Search to the south of Skelmersdale for 8 ha of employment land that was identified in the CSPO is no longer required. However, the release of 10 ha in Burscough for employment land and the release of 10 ha to the south-east of Ormskirk for the expansion of the Edge Hill University campus is still required.

6.10 In relation to housing development, a combination of the preferred options consulted upon in the CSPO is required to release sufficient Green Belt land to

deliver the 750 dwellings needed. In order to best balance the deliverability of housing development given the waste water infrastructure constraints affecting Ormskirk and Burscough with the need to spread the development between the two settlements and with the suitability of land for release from the Green Belt, it is proposed that 500 dwellings should be delivered on the Yew Tree Farm site in Burscough and 250 dwellings on the Grove Farm site in Ormskirk.

6.11 This means that the Yew Tree Farm site in Burscough, incorporating 500 dwellings, the 10 ha of employment land required in the Green Belt at Burscough and new community infrastructure required to serve the new housing development, is put forward as a Strategic Development Site in the Local Plan (Policy SP3).



© Crown Copyright. All Rights Reserved.  
Licence No. 100024309. West Lancashire Borough Council. 2011.



© Crown Copyright. All Rights Reserved.  
Licence No. 100024309. West Lancashire Borough Council 2011.

- A more robust and measurable “Plan B”

6.12 In light of the comments received during the CSPO consultation that any “Plan B” put forward by the Council needed to be more robust and more detailed, the Local Plan Preferred Options document proposes a new, more measurable approach to the “Plan B”. It is proposed that sufficient land will be set aside and safeguarded for the “Plan B” to accommodate at least an extra 15% in addition to the overall housing target, which equates to 698 dwellings. The Table below sets out the sites that have been proposed to be safeguarded for the “Plan B”.

6.13 All of the above sites, other than the Land at Moss Road in Halsall, are currently in the Green Belt, and so will need to be released from the Green Belt by the Local Plan to form part of the “Plan B”. However, this land will be heavily

protected by the Local Plan’s Safeguarded Land policy (GN2) to ensure that no development takes place on these sites that prejudices its role within the “Plan B”.

- 6.14 By way of triggers for the “Plan B”, the delivery of housing during the Local Plan period will be formally reviewed at the end of Year 5 (March 2017) and Year 10 (March 2022) of the Local Plan. If housing delivery is below 80% of the target at those points in the Local Plan, then the “Plan B” could be triggered. In such an instance, only sufficient land to meet the shortfall would be released for development from the “Plan B” sites.

Site	Site Area (ha)	Potential Housing Capacity
Land at Parr’s Lane, Aughton	10.0 ha	200 dwellings
Land at Ruff Lane, Ormskirk	1.0 ha	10 dwellings
Land at Red Cat Lane, Burscough	3.6 ha	60 dwellings
Land at Mill Lane, Up Holland	4.0 ha	120 dwellings
Land at New Cut Lane, Halsall	2.4 ha	70 dwellings
Land at Fine Jane’s Farm, Halsall	2.2 ha	60 dwellings
Land at Moss Road, Halsall	8.0 ha	240 dwellings
<b>Total</b>	<b>31.2 ha</b>	<b>760 dwellings</b>

### General Development Policies

- 6.15 Compared to the CSPO, a new section has been added to the Local Plan Preferred Options providing five development management policies that apply across several types of development but are about matters of detail that would not have been appropriate to include in a Core Strategy. These policies will primarily be used by the Council in development management decisions on planning applications. The five policies are as follows:

- GN1: Settlement Boundaries – sets the boundaries for each settlement (where it is different from the Green Belt boundary) and sets out what limited development will be allowed outside of settlement boundaries
- GN2: Safeguarded Land – allocates specific sites to be safeguarded from development either for the “Plan B” or until after the Local Plan period (beyond 2027)
- GN3: Design of Development – is designed to replace Policy GD1 in the existing Local Plan and acts as a general policy covering various matters of detailed design

- GN4: Demonstrating Viability – provides a policy to guide applicants on what the Council expects when they have to demonstrate why an existing use is no longer viable on their site
- GN5: Sequential Tests – provides policy guidance on this useful tool which is increasingly used in a variety of applications, where applicants are asked to demonstrate that there are no other, more suitable sites available

### Facilitating Economic Growth

6.16 In the main, this section is relatively unchanged from the CSPO, especially in terms of its strategic policy direction. It includes four policies:

- EC1: The Economy and Employment Land – has been re-written more succinctly and to include a list of the strategic and key employment areas of the Borough where only employment uses will be permitted
- EC2: The Rural Economy – virtually unchanged from CSPO except for the allocation of a specific Rural Employment Site on the southern edge of Banks
- EC3: Rural Development Opportunities – this brand new policy allocates four brownfield sites in 4 of the Borough's villages for redevelopment for mixed-use and is focused on bringing these sites into a more efficient and modern use, much like Policy DE14 of the existing Local Plan
- EC4: Edge Hill University – only minor text changes have been made since the CSPO

### Providing for Housing and Residential Accommodation

6.17 For the most part, this section has changed very little compared to the CSPO, with only detailed development management policy being added to certain policies. It includes four policies:

- RS1: Residential Development – has been re-written more succinctly and includes new policy on the density of residential development and key allocations for housing development on greenfield land at Grove Farm, Ormskirk and three locations on the edge of Skelmersdale & Up Holland
- RS2: Affordable and Specialist Housing – only change relates to the provision of housing for the elderly, where the policy now specifies that 20% of housing on a development of 15 or more dwellings should be designed specifically for the elderly
- RS3: Provision of Student Accommodation – a layer of detail has been added, where specific percentages of HMOs will be permitted on specific categories of street



- RS4: Provision for Gypsy and Traveller and Travelling Showpeople – a series of criteria has been added against which any site proposed for this use will be assessed

### Infrastructure and Services Provision

6.18 This section of policies has been changed very little from that consulted upon as part of the CSPO, with only minor changes made to reflect comments made during the consultation and to reflect the emergence of the Community Infrastructure Levy as the primary tool for obtaining developer contributions towards strategic infrastructure. A series of car parking standards have also been added to the transport policy (IF2). The section includes four policies:

- IF1: Maintaining Vibrant Town and Local Centres
- IF2: Enhancing Sustainable Transport Choice
- IF3: Service Accessibility and Infrastructure for Growth
- IF4: Developer Contributions

### Sustaining the Borough's Environment and Addressing Climate Change

6.19 The policy content and strategic direction of this section is not significantly different from that previously consulted upon in the CSPO, but the policies have been re-written or grouped differently to better reflect their application on the ground. In terms of new policy, this mainly relates to the listing of specific sites of an environmental value, which was not previously appropriate in a Core Strategy. The section includes four policies:

- EN1: Low Carbon Development and Energy Infrastructure
- EN2: Preserving and Enhancing West Lancashire's Natural Environment
- EN3: Provision of Green Infrastructure and Open Recreation Spaces
- EN4: Preserving and Enhancing West Lancashire's Built Environment

## **7.0 PUBLIC CONSULTATION**

7.1 The six week public consultation exercise will be carried out in conformity with the Council's LDF Statement of Community Involvement (SCI). It will involve public events in all parts of the Borough, online consultation, our facebook page and more traditional written correspondence. The consultation exercise, the public events and details of how to respond will be publicised through a "Wrap" feature on the Champion Newspaper. Council officers will also be engaging specifically with Neighbouring Authorities, Parish Councils, housing developers, local businesses and school-age children through presentations and workshops to gain their views and input.

## **8.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

- 8.1 At the time of writing this report, the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) for the Local Plan Preferred Options document are being prepared (and will be available by the end of November), but initial assessment has raised no major issues which would undermine the deliverability or sustainability of the Local Plan or cause an unduly negative impact on any international sites of habitat value. The SA and HRA documents will be sent to Natural England and the Environment Agency and any comments they may have will be incorporated into the Local Plan as it evolves. Other assessments on Health Impact Assessment (HIA), Equality Impact Assessment (EqIA) and Rural Proofing are also being carried out (and will be available by the end of November), and will inform the evolution of the Local Plan post-consultation on the Preferred Options document.
- 8.2 Through the previous assessments for the CSPO, it has been shown that the draft policy to be included within the Local Plan Preferred Options would have a positive effect on sustainability and this affect is augmented by the fact that delivery of the Local Plan will help progress the implementation of key aspects of the Sustainable Community Strategy.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 Budgetary provision has been made to allow for the Public Consultation on the Local Plan Preferred Options and the subsequent preparation of, and consultation on, a Publication version of the Local Plan. Budgetary provision for the indicative costs of the Examination in Public has been made through the Planning & Delivery Grant received by the Council in recent years.
- 9.2 The Government have recently announced measures to allow local authorities to retain a significant proportion of the business rates generated in their area from April 2013. This builds on the new homes bonus scheme, which already provides grant funding to local authorities based on the number of new homes built each year. Taken together, these measures create a strong financial incentive for local authorities to take action to promote housing and economic growth. It also means that those authorities with low rates of housing and economic growth are likely to face reductions in their external funding.

## **10.0 RISK ASSESSMENT**

- 10.1 The Local Plan will ultimately be subject to an Examination in Public where a Planning Inspector will ensure that all the correct procedures have been followed in preparing the document and will assess whether the document can be considered “sound” or not. Soundness is assessed in relation to whether the document is:
- justified by the available evidence;
  - deliverable; and
  - consistent with national planning policy.
- 10.2 A key part of the evidence base will also be the Sustainability Appraisal, and so the relative sustainability merits of each policy within the Preferred Options will

be an important factor considered by the Planning Inspector. Therefore, it is important that these factors are taken into account when preparing the Local Plan and that the Local Plan is fully justified by evidence, otherwise the document could ultimately be found “unsound” by the Planning Inspector.

---

---

### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

A wide range of background, evidence base documents have been utilised in preparing the Local Plan Preferred Options document. This evidence base is available on the Council’s website at:

[http://www.westlancs.gov.uk/planning/planning\\_policy/local\\_development\\_framework/evidence\\_and\\_research.aspx](http://www.westlancs.gov.uk/planning/planning_policy/local_development_framework/evidence_and_research.aspx)

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required. A formal equality impact assessment of this report is attached at Appendix 8 in line with Council procedure, the results of which have been taken into account in the Recommendations contained within this report. A statutory Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options has also been prepared in line with national guidance and legislation, and is provided at Appendix 5.

### **Appendices**

1. The Local Plan Preferred Options document
2. Sustainability Appraisal of the Local Plan Preferred Options – prepared by URS / Scott Wilson (November 2011)
3. Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment (AA) Report for the Local Plan Preferred Options – prepared by URS / Scott Wilson (November 2011)
4. Health Impact Assessment (HIA) of the Local Plan Preferred Options – prepared by the Primary Care Trust (November 2011)
5. Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options – prepared by WLBC (November 2011)

6. Rural Proofing Assessment of the Local Plan Preferred Options – prepared by WLBC (November 2011)
7. Infrastructure Delivery Plan (IDP) – prepared by WLBC (November 2011)
8. Equality Impact Assessment
9. Minute of LDF Cabinet Working Group – 29 November 2011
10. Minute of Executive Overview & Scrutiny Committee – 1 December 2011 (Planning Committee and Cabinet only)
11. Minute of Planning Committee – 8 December 2011 (Cabinet only)

## **Appendices 1 – 7**

Appendix 1 – The Local Plan Preferred Options document

Appendix 2 – Sustainability Appraisal of the Local Plan Preferred Options

Appendix 3 – Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment (AA) Report for the Local Plan Preferred Options

Appendix 4 – Health Impact Assessment (HIA) of the Local Plan Preferred Options

Appendix 5 – Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options

Appendix 6 – Rural Proofing Assessment of the Local Plan Preferred Options

Appendix 7 – Infrastructure Delivery Plan (IDP)

The above documents are very large and, therefore, have not been printed for each Cabinet / Committee Member, but by the end of November they will be available on the Council's website (COINS) and a paper copy made available in the Members' Library.

## Appendix 8

### Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service / policy / strategy / decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races / ethnicities / nationalities;</i>  <i>Men;</i>  <i>Women;</i>  <i>People of different religions / beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	No
2.	What sources of information have you used to come to this decision?	The Local Development Framework Evidence Base
3.	How have you tried to involve people / groups in developing your service / policy / strategy or in making your decision (including decisions to cut or change a service or policy)?	Decision is directly related to a document that will be subject to a public consultation exercise
4.	<p>Could your service / policy / strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:</p> <p><i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	Help – an improved Local Plan document will seek to deliver development and infrastructure improvements that benefit all and endeavour to support a more equal society
5.	What actions will you take to address any issues raised in your answers above	N/A



**AGENDA ITEM: 14**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
1 December 2011**

**PLANNING COMMITTEE:  
8 December 2011**

**CABINET: 14 December 2011**

---

**Report of: Borough Planner**

**Relevant Managing Director: Transformation**

**Relevant Portfolio Holder: Councillor M Forshaw**

**Contact for further information: Mr P Richards (Extn. 5046)  
(E-mail: peter.richards@westlancs.gov.uk)**

---

**SUBJECT: CORE STRATEGY PREFERRED OPTIONS (CSPO) - CONSULTATION  
RESPONSES**

---

Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To recommend the proposed response of the Council to each representation received during the Core Strategy Preferred Options (CSPO) consultation period in May / June 2011 for approval by Cabinet.

**2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY  
COMMITTEE**

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

**3.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

3.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

## **4.0 RECOMMENDATIONS TO CABINET**

- 4.1 That Cabinet take note of the representations received during the CSPO consultation in May / June 2011 and, subject to consideration of the comments of the LDF Cabinet Working Group, Executive Overview & Scrutiny Committee and Planning Committee, approve the proposed response of the Council to each representation received as set out in Appendix 1 of this report.
- 4.2 That Call In is not appropriate for this item as the report has been submitted to Executive Overview & Scrutiny Committee on 1 December 2011.
- 

## **5.0 BACKGROUND**

- 5.1 The Core Strategy Preferred Options Paper (CSPO) was consulted upon for a period of 6 weeks from the 12<sup>th</sup> May to the 24<sup>th</sup> June 2011. Consultation was undertaken through a variety of methods, including written representations, surveys, exhibitions and forums. Events were well publicised through a leaflet delivered to all households in the Borough, press notices, press releases, information on the Council website, Twitter feeds, a Facebook page, business cards and mail-outs. In addition, the LDF team involved local schools and met with housing developers, local businesses and some selected groups representing those who are most directly affected by Edge Hill University.
- 5.2 It was important that a wide catchment of opinions and comments were received in order to inform preparation of the Core Strategy and the engagement methods used through the CSPO consultation were designed to maximise interest and involvement.
- 5.3 The consultation exercise invited comments on 17 policies, as well as the options for development on Green Belt. The options for development on Green Belt were:
- Preferred Option 1 – A Strategic Development Site at Yew Tree Farm, Burscough (Burscough option)
  - Preferred Option 2 – Dispersing Green Belt development around several sites at Burscough, Ormskirk and Banks (Dispersal option)
  - Non-Preferred Option – A Strategic Development Site at St Helens Road / Alty's Lane, Ormskirk (Ormskirk option)

## **6.0 CURRENT POSITION**

- 6.1 Following the close of the consultation, officers have prepared a Feedback Report on the results of the consultation exercise, a copy of which is available in the Members' Library. These results have influenced the changes to draft policy incorporated in the preparation of the Local Plan Preferred Options document



and will form part of the evidence base for the Local Plan. A summary of this feedback is provided in this report.

- 6.2 Given the number of representations received, the Feedback report is designed to summarise comments and provide an overview of the general consensus. The full range of comments can be viewed through the Council's website portal (<http://westlancs.limehouse.co.uk/portal/planning/>).
- 6.3 A formal Council response to each individual representation has been prepared and they propose actual changes to draft policy that have been reflected in the Local Plan Preferred Options document. The proposed Council response to each individual representation can be seen in Appendix 1.

## **7.0 RESULTS OF THE CONSULTATION**

- 7.1 Over 749 written representations were received from 362 respondents, from a wide range of sectors including public and professional. A further 224 completed a general survey and many more attended the forums, exhibitions and business breakfast meetings.
- 7.2 It should be acknowledged, however, that whilst all the events showed a very positive response to the consultation exercise, it is still acknowledged that those who attended represented views from a small cross-section of West Lancashire's community and will not necessarily represent the views of the wider population of West Lancashire. Whilst these results provide a useful part of collective consultation results, they need to be viewed in line with all other necessary considerations.
- 7.3 Throughout all events and the comments received, focus was primarily on the options for Green Belt release, rather than the policies of the Core Strategy. This was anticipated due to strong feelings and interest over the protection of Green Belt.
- 7.4 Green Belt release was widely opposed by respondents. Inevitably, there were differences of opinion based on the geographical area representations came from. Most objections were received from people living adjacent to each site affected by an option for Green Belt release, who considered that they would be detrimentally affected by any development, and so often supported one of the other options or simply objected to Green Belt release.
- 7.5 However, it was also recognised that development is needed in the Borough and some respondents supported the release of Green Belt in the right location if it delivered significant benefit to a particular town or the Borough in general. Overall, there was general support for all other policies in the CSPO.

### The Over-arching Spatial Strategy

- 7.6 The vast majority of comments and representations received related to the over-arching spatial strategy, including proposals for strategic sites and Green Belt release.

- 7.7 All the options for Green Belt release gained little support (19 representations in support of the Burscough option, 8 for the Dispersal option and 15 for the Ormskirk option) and both the Burscough option (144) and the Ormskirk option (91) received far more objections. 13 representations also objected to the Dispersal option.
- 7.8 However, as stated above, these results need to be considered in the knowledge that the vast majority of objections to each option were made by residents living in the immediate vicinity of the sites proposed for Green Belt release.
- 7.9 On matters other than Green Belt release, the majority of respondents felt that Skelmersdale was the most suitable location to place the majority of development and would help support regeneration of the town and there was also wide support for the key service centres of the Borough accommodating much of the remaining development requirements as they are the most sustainable.
- 7.10 However, it was strongly felt that the target for residential development in Skelmersdale in the CSPO is too high and is subsequently undeliverable. It was suggested that levels should be reduced in Skelmersdale and increased in the other key settlements.
- 7.11 It was also requested that the Council clarify that the target of 4,500 houses until 2027 should be considered a minimum figure, in accordance with national and regional planning policy.
- 7.12 A review of the disaggregation of the housing target between settlements was therefore requested, along with further detail on how the Core Strategy can be delivered and its timescales and phasing. It was considered essential for there to be a supply of genuinely deliverable housing sites from the plan's inception for the Core Strategy to be considered sound.
- 7.13 More flexible approaches were recommended so that the Core Strategy can adapt to changing requirements. Respondents emphasised the need for the Core Strategy to be flexible and adaptable to change and raised concerns that a reliance on particular sites, which then prove difficult to deliver, could have serious implications. To this end, some representations requested that a more comprehensive and detailed "Plan B" be prepared.
- 7.14 Infrastructure was also raised as a significant concern and central to the delivery of the Core Strategy. It was repeatedly stated that problems of infrastructure need resolving prior to, or through, new development, not afterwards. In the general survey, roads and public transport routes were voted the highest priorities for improvements. This was supported through the wider consensus of opinion at forums and exhibitions, along with support for improvements to utilities infrastructure.

### Economic Policies

- 7.15 Representations were received requesting greater flexibility for the redevelopment of older employment sites, which aligns with the Government's Growth Agenda, and more mixed-use developments were encouraged.
- 7.16 There was support for the expansion of Edge Hill University, but it was felt by many that this should preferably not be on Green Belt land and should be carefully judged against the actual needs of the University. Once again, however, levels of support or objection varied according to residential area. Far more people living in Burscough were in support of Edge Hill's expansion than those living in Ormskirk. Resistance to the University's expansion stemmed from loss of town character and problems with traffic and increased student numbers. However, others felt that its contribution to the local economy and employment and the potential for addressing existing issues were important reasons to support development at Edge Hill.

#### Housing Policies

- 7.17 Concerns were expressed about the requirement for Lifetime Homes Standard on all new dwellings and suggestions were made about improving the requirement for elderly accommodation as part of residential development proposals.
- 7.18 Comments were received regarding the changing debate on brownfield versus greenfield land and how this affects our proposals for prioritising brownfield development over greenfield and the timing of the release of Green Belt for development.
- 7.19 Some representations felt that the potential for a constraint policy being implemented, as proposed in Policy CS7, is at odds with the Growth Agenda and should be removed entirely.
- 7.20 Concerns were also expressed that the affordable housing policy is too strict because the threshold is too low and the percentage of affordable housing required is too high.
- 7.21 There was support for the provision of more affordable or retirement dwellings on small sites, according to local need and there was also wide support for a restraint on Housing of Multiple Occupancy (HMO's) and students living in residential areas within Ormskirk.
- 7.22 On Policy CS10, it was suggested that criteria for assessing what is a suitable site for Gypsy & Travellers and Travelling Showpeople should be included as well as broad locations.

#### Infrastructure & Services Policies

- 7.23 It was suggested that Policy CS11 should refer more to other town centre uses, not just retail, that Policy CS13 should place more importance on broadband provision and that Policy CS14 should be amended to reflect the Community Infrastructure Levy (CIL) and wider infrastructure types

## Environment & Climate Change Policies

- 7.24 Several representations suggested that Policy CS15 should be reviewed in light of latest evidence and guidance, but the overall policy direction was widely supported.

### **8.0 NEXT STEPS**

- 8.1 The results of the CSPO consultation have been used to refine and prepare the policies that now form part of the Local Plan Preferred Options document. The Council's formal response to each individual representation received during the CSPO consultation must be made public so that respondents can see how their comments have been considered. Therefore, the detailed responses to each individual representation are included in Appendix 1 for approval by Cabinet and, should they be approved, will be made available on the Council's website.

### **9.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

- 9.1 The CSPO was prepared in conjunction with a Sustainability Appraisal (SA), undertaken by consultants URS / Scott Wilson, which evaluated the potential economic, social and environmental sustainability implications of the Core Strategy. The SA was published at the same time as the CSPO and the public were able to submit comments on the SA as well throughout the consultation period.
- 9.2 All the comments received through the CSPO will be acknowledged and incorporated into the refinement of policies for the Local Plan. A further Sustainability Appraisal will be prepared alongside the Local Plan Preferred Options document to ensure that changes made to the document do not have any adverse impacts on sustainability and this will be made available for consultation alongside the Local Plan Preferred Options document.
- 9.3 Progressing the Local Plan should, in turn, help progress the implementation of key aspects of the Sustainable Community Strategy (SCS).

### **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 The volume of response received has had some impact on staff time due to the analysis of comments. Some comments have also required further work and investigation into the feasibility of selected policies, for example, comments on the deliverability of infrastructure improvements will need to be further explored with utility and service providers.

### **9.0 RISK ASSESSMENT**

- 9.1 PPS12 requires the evidence base to contain two elements: research and fact findings and the participation of the local community and stakeholders. A failure to consult correctly could possibly lead to the Local Plan being found 'unsound'. The results of this consultation exercise will be used to demonstrate that decisions within the Local Plan process are backed up by evidence.
- 
- 

### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>
September 2011	Core Strategy Preferred Options Consultation – Feedback Report

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

### **Appendices**

1. The Core Strategy Preferred Options Consultation Responses
2. Equality Impact Assessment
3. Minute of LDF Cabinet Working Group – 29 November 2011
4. Minute of Executive Overview & Scrutiny Committee – 1 December 2011 (Planning Committee and Cabinet only)
5. Minute of Planning Committee – 8 December 2011 (Cabinet only)

## **Appendix 1**

### **The Core Strategy Preferred Options Consultation Responses**

Given the number of representations received during the Core Strategy Preferred Options consultation period, this appendix has been provided separately. It is available on the Council's website (COINS) and a paper copy made available in the Members' Library.

Appendix 1 sets out a summary of the representation received, the officer response to the representation and the officer recommendation for any action proposed in response to the representation.

## Appendix 2

### Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service / policy / strategy / decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races / ethnicities / nationalities;</i>  <i>Men;</i>  <i>Women;</i>  <i>People of different religions / beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	No
2.	<p>What sources of information have you used to come to this decision?</p>	<p><b>The Local Development Framework Evidence Base</b></p>
3.	<p>How have you tried to involve people / groups in developing your service / policy / strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><b>Decision is directly related to a consultation exercise and the methods used in for this exercise are described in the report</b></p>
4.	<p>Could your service / policy / strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:</p> <p><i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p><b>Help – an improved Local Plan document will seek to deliver development and infrastructure improvements that benefit all and endeavour to support a more equal society</b></p>
5.	<p>What actions will you take to address any issues raised in your answers above</p>	N/A







## **AGENDA ITEM: 15**

**EXECUTIVE OVERVIEW AND  
SCRUTINY COMMITTEE:  
1 December 2011**

---

**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor Forshaw**

**Contact for future information: Mrs Jacky Denning (Extn. 5384)  
(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))**

---

**SUBJECT: DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

---

Wards Affected: Borough wide

### **1.0 PURPOSE OF THE REPORT**

1.1 To advise on the consultation response sent to the Department of Communities and Local Government (DCLG) in respect of the Draft National Planning Policy Framework.

### **2.0 RECOMMENDATION**

2.1 That the report at Appendix 1 and the Minutes of the Cabinet and Planning Committee at Appendix 2 and 4 be noted and the response letter to the consultation, attached at Appendix 5, be endorsed.

---

### **3.0 BACKGROUND AND CURRENT POSITION**

3.1 Cabinet considered the report of the Borough Planner in respect of a consultation paper from the Department of Communities and Local Government 'Draft National Planning Policy Framework' (Appendix 1) on 13 September 2011. A copy of the Cabinet minute is attached at Appendix 2.

3.2 At its meeting on 29 September 2011 the Executive Overview and Scrutiny Committee deferred consideration of the report in order for an all Member Briefing to take place on the subject matter which was subsequently held on 5 October 2011. A copy of the Executive Overview and Scrutiny Committee minute is attached at Appendix 3.

- 3.3 Planning Committee considered the report on 6 October 2011. A copy of the Planning Committee minute is attached at Appendix 4.
- 3.4 The deadline for the consultation was 17 October 2011. In order for the consultation deadline to be met, the Borough Planner responded to the consultation on 10 October (Appendix 5), having taken into account the decision of Cabinet and the comments raised at the all Member Briefing and Planning Committee.
- 3.5 Should Members wish to make further comments from the Executive Overview and Scrutiny Committee, these could be forwarded to the CLG.
- 
- 

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

1. Report of the Borough Planner
2. Cabinet Minute – 13 September 2011
3. Executive Overview and Scrutiny Committee – 29 September 2011
4. Planning Committee Minute – 6 October 2011
5. Response letter sent to the DCLG - 10 October 2011.



## APPENDIX 1

### AGENDA ITEM: 9.

**CABINET: 13 September 2011**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
29 September 2011**

**PLANNING COMMITTEE:  
6 October 2011**

---

**Report of:** Director of Transformation

**Relevant Head of Service:** Borough Planner

**Relevant Portfolio Holder:** Councillor M Forshaw

**Contact for further information:** Mr P Richards (Extn. 5046)  
(E-mail: [peter.richards@westlancs.gov.uk](mailto:peter.richards@westlancs.gov.uk))

---

**SUBJECT: DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

---

Wards affected: Borough wide

### **1.0 PURPOSE OF THE REPORT**

1.1 To inform Cabinet of the draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and to seek approval for the draft response officers have prepared on behalf of the Council to the consultation on the draft NPPF.

### **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the proposed responses to the Consultation Questions set out in Appendix A and B to the report be approved for submission to CLG along with a covering letter setting out the Council's general support of the draft NPPF subject to particular aspects of concern within the document.

2.2 That the Borough Planner, in consultation with the Portfolio Holder for Planning and Transportation, to prepare a covering letter to CLG to reflect the content of the report, together with any further comments considered suitable for inclusion by Cabinet, and following consideration of any agreed comments from the Executive Overview & Scrutiny Committee and Planning Committee.

2.3 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2011.

### **3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

3.1 That the content of this report and the draft NPPF be considered and that agreed comments be referred to the Borough Planner.

### **4.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

4.1 That the content of this report and the draft NPPF be considered and that agreed comments be referred to the Borough Planner.

---

## **5.0 BACKGROUND**

5.1 The Coalition Government have stated their intention to reform the national level of planning policy for quite some time and the draft National Planning Policy Framework (NPPF) is their proposed way forward in this reform. The Government's central intention in undertaking this reform is to replace the large number of separate National Planning Policy Statements (PPS's) with a single document that covers all the essential policy provided by the existing PPS's in a much simpler, easier to understand way. The draft NPPF condenses over 1,000 pages of existing national planning policy into 50 pages.

5.2 The draft NPPF emerges in the context of a clear intention of the Government to revoke Regional Strategies, introduce Neighbourhood Plans and make other changes to Local Planning Regulations through the Localism Bill. These changes include stripping out the terminology of the Local Development Framework (LDF) system currently in place to move towards a single Local Plan document in order to make local planning more accessible to the public and local communities.

5.3 The government department for Communities and Local Government (CLG) have invited consultation responses from Local Authorities and other organisations and individuals by 17 October 2011.

## **6.0 PROPOSALS AND IMPLICATIONS OF THE DRAFT NPPF**

6.1 The draft NPPF is a document that, overall, should be supported and welcomed. Once finalised, it will simplify national planning policy and make it more accessible and understood by the public, it will promote economic growth in a sustainable manner and will encourage local authorities to prepare up-to-date local planning policy, just as West Lancashire are already working towards. Each part of the draft NPPF should be broadly supported as it proposes a positive approach to planning for and managing development but, ultimately, there are a few matters of detail within some parts of the document that could be improved or strengthened.

- 6.2 The remainder of this section focuses on the proposals and implications of the key parts of the document and those parts of the document where certain matters of detail could be improved.

#### The simplification of national planning policy

- 6.3 In simplifying national planning policy to a single, 50-page document, there is potential for both positive and negative implications. Positively, the draft NPPF is very easy to read and understand and does draw together the key planning principles and policies currently set out in existing national planning policy in a succinct form. However, there is a risk that in simplifying national policy so drastically, key policy and guidance may be lost, policy that Local Authorities currently rely on heavily in making planning decisions.
- 6.4 Having said that, the draft NPPF does appear to have included much of the essential national policy currently used by Local Authorities and CLG are discussing whether other aspects of national planning policy guidance can be taken forward by non-Governmental organisations, so this aspect of the draft NPPF should be broadly supported and CLG should be encouraged to outline in more detail what additional guidance will be made available, be it provided by CLG themselves, other government departments or other organisations outside of government.

#### The presumption in favour of sustainable development

- 6.5 The key principle running through the whole of the draft NPPF, and that the document says should run through all other planning documents and planning decisions, is that of sustainable development, and this is especially defined through the “presumption in favour of sustainable development”, which will ensure “*that the planning system does everything it can to support sustainable economic growth*” (para 13, p.3, draft NPPF).
- 6.6 Sustainable development has been the key theme in national planning policy for many years and a presumption in favour of sustainable development has equally been applied as a key principle in assessing development proposals. Therefore, the draft NPPF should be supported for continuing this key theme.
- 6.7 The definition used in the opening paragraph of the chapter on delivering sustainable development is a widely accepted definition from the Brundtland Commission in 1987;

*Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.* (para 9, p.3, draft NPPF)

- 6.8 If this definition is applied when considering the “presumption in favour of sustainable development” and throughout the rest of the NPPF there will be reasonable scope for particular local circumstances to influence planning decisions. There is a concern however the document does not clearly state

that this is the case and this lack of clarity could unintentionally encourage the submission of proposals for development in inappropriate locations.

- 6.9 An additional concern relating to the “presumption in favour of sustainable development” comes as a result of the 3<sup>rd</sup> bullet point in paragraph 14 of the draft NPPF, which states:

*Local planning authorities should ... grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.* (para 14, p.4, draft NPPF)

- 6.10 The draft NPPF goes on to partially qualify this statement to the effect that this would only be the case where the development proposals are sustainable, i.e. in line with the NPPF. However, given the light touch approach to policy that the draft NPPF proposes and the concern that the definition of sustainable development is unclear and potentially open to misinterpretation, there remains a possibility that inappropriate development will be considered as being in accordance with the NPPF with no regard had for particular local circumstances.
- 6.11 Such a situation may arise where a new Local Plan has not yet been prepared and where existing policies are considered out of date or are silent on a particular issue. In this instance, permission may have to be granted for a development proposal that the Council would not otherwise wish to grant permission for due to specific local circumstances simply because it is perceived to meet the requirements of the NPPF. I don't believe this is an intended consequence of the draft NPPF and it is therefore critical to request that CLG amend the document to provide a clear and consistently applied definition of sustainable development in the NPPF.

#### Development Management

- 6.12 The draft NPPF encourages a Development Management approach in dealing with development proposals, especially with regard to the use of pre-application advice. The Council have already begun to embrace this approach and pre-application advice in particular and as a consequence this aspect of the draft NPPF is welcomed.

#### Changes to plan-making

- 6.13 The draft NPPF, without explicitly saying so, clearly marks a move away from the existing Local Development Framework (LDF) system for local planning policy. The terms LDF and Core Strategy are not used at all in the document and, instead, the term “Local Plan” is re-introduced to local planning terminology. It can also be inferred through the draft NPPF that this Local Plan should, ideally, be a single document.

*Each local planning authority should produce a Local Plan for its area. ... Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should only be necessary where their production can help bring*

*forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens on development.* (para 21, p.7, draft NPPF)

- 6.14 A Local Plan will provide virtually all the policy content that an LDF would have done, will still have a spatial focus, will still require a “proportionate” evidence base to justify it and will cover the same period as an LDF (15 years). However, there is a clear emphasis on promoting sustainable development and on the fact that the Local Plan is purely a document to guide development and guide decisions on development proposals, although they should reflect the vision and aspirations of the local communities.
- 6.15 The draft NPPF is explicit that up-to-date Local Plans that are consistent with the NPPF should be in place as soon as is practical and that, in the absence of such an up-to-date Local Plan, applications will be determined in accordance with the NPPF and its “presumption in favour of sustainable development”.
- 6.16 In the long-term, it can clearly be seen that there are some real benefits to moving back towards a single Local Plan for an area, especially as its lack of complexity will help communities and local people access and understand more easily planning policy.
- 6.17 However, in the short-term it is unclear quite what the Government is expecting Local Planning Authorities to do as we move into an era of Local Plans. All information to-date from CLG has been to carry on in preparing Core Strategies, yet these are not mentioned in the draft NPPF. West Lancashire’s Core Strategy is currently at a critical stage, and so any implications of the NPPF for plan-making must be considered carefully at this time.
- 6.18 Advice that council officers have received on this matter from the Planning Officer’s Society indicates that the Council should proceed with the Core Strategy and that this will be considered acceptable as an up-to-date Local Plan policy if it is ultimately found sound. In light of this, it is also logical that the Council will be able to proceed with other planned DPDs to complete the full set of local planning policy and that, when considered together, the Core Strategy and other DPDs will be given the same status a new Local Plan.
- 6.19 Therefore, it is not expected that the Council would be required to immediately begin preparation of a Local Plan that is strictly in accordance with the NPPF upon the formal adoption of the NPPF but confirmation of this from CLG would be welcomed in light of the clear shift in the draft NPPF from an LDF system to a Local Plan system.
- 6.20 There are two other significant changes to plan-making that the draft NPPF proposes. Firstly, changes to the tests of soundness against which a Local Plan will be examined by an Inspector. The effect of the changes proposed are that Local Plans should be “positively prepared”, essentially requiring plans to deliver as much sustainable development as possible and not artificially limit development, and that the need to prove the plan is “effective”

has become stronger with the need to demonstrate that the plan is viable and deliverable all the more important. In particular, ensuring the flexibility of Local Plans to respond to changing circumstances is a message that comes through regularly in the draft NPPF.

- 6.21 Secondly, the draft NPPF establishes a “duty to cooperate” for public bodies on planning issues that cross administrative boundaries. In particular, this “duty” will mean that:

*Local planning authorities will be expected to demonstrate evidence of having successfully cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. (para 46, p.12, draft NPPF)*

- 6.22 While West Lancashire BC has worked well and closely with neighbouring authorities on cross-boundary issues, nothing has thus far been prepared that is as formal as the suggestions put forward in paragraph 46 of the draft NPPF. It is assumed that this requirement will not be stringently applied to Core Strategies already in preparation as it would create difficulties and possible delay in relation to those Core Strategies that are significantly advanced such as ours..
- 6.23 Ultimately, while the “duty to cooperate” is clearly a positive proposition, the practicality of putting it into effect as formally as the draft NPPF proposes may be difficult in the short-term, and perhaps the long-term, given the different agendas that different authorities and public bodies have at times. Nevertheless it provides the essential framework for such co-operation.
- 6.24 It should also be noted that Neighbourhood Plans are discussed in the Plan-Making section of the draft NPPF and, generally, there is nothing new discussed in relation to these. The only new consideration is that, when a Neighbourhood Plan is adopted after a Local Plan has been adopted, it will “*take precedence over the existing policies in the Local Plan for that neighbourhood, where they are in conflict.*” (para 51, p.13, draft NPPF).
- 6.25 On the surface this is quite significant, but given that a Neighbourhood Plan should be in general conformity with the strategic policies of a Local Plan when it is prepared and can only propose more development than the Local Plan in a given neighbourhood, there should not be any incidences of a Neighbourhood Plan being in conflict with a Local Plan.
- 6.26 The draft NPPF sets out a range of topic areas that Local Plans should address and these are reflected in the rest of the draft NPPF itself. The rest of this section of this cabinet report covers some of those topic areas where they are most pertinent to West Lancashire or where the proposals within the draft NPPF may cause some concern.

#### Business and economic development



6.27 The draft NPPF's objectives for achieving sustainable economic growth are to:

- plan proactively to meet the development needs of business and support an economy fit for the 21st century;
- promote the vitality and viability of town centres, and meet the needs of consumers for high quality and accessible retail services; and
- raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural economies.

6.28 The policies within this section of the draft NPPF are, as expected, rightly encouraging economic growth and, in the main, taking forward the key principles that are already in national planning policy. As such they should be supported. The only concerns officers have with detailed matters in the policies are as follows:

- The draft NPPF's encouragement for planning policies to "avoid the long term protection of employment land or floorspace". Depending on how this is interpreted, valuable employment land could be lost to other land uses, and this loss of employment land may ultimately be detrimental to the long-term recovery and prosperity of the local economy.
- In general, the policies on supporting economic development and the promotion of the vitality and viability of town centres are possibly not detailed enough, which could lead to different approaches being used in different parts of the country, leading to uncertainty for developers.

### Transport

6.29 Officers' general consideration of the transport policies in the draft NPPF are that they could be strengthened, given that it is such a crucial area of infrastructure, and could be made more directly applicable to the level that most local planning authorities will be working at.

6.30 More specifically, there are several statements in this section of the draft NPPF which officers' feel would benefit from further review:

- The objective to "facilitate economic growth by taking a positive approach to planning for development" (para 84, p.21, draft NPPF) – the word "development" should be replaced by "improvements to sustainable transport infrastructure" – improved sustainable transport infrastructure will facilitate economic growth, but new development will not necessarily deliver improved sustainable transport infrastructure.
- The 3rd bullet point of paragraph 86 could be interpreted as putting delivery of homes and economic development above the need to

ensure such development has access to sustainable transport infrastructure and does not undermine highway safety – the NPPF would benefit from defining what residual impacts would be considered severe by the Government.

### Housing

- 6.31 The housing policies in the draft NPPF should be generally supported, but they do, like other topic areas, suffer a little from the removal of detail that was previously in PPS3. However, overall this does not harm the policies. Such removal of detail includes the removal of targets for developing on brownfield land, the removal of a national minimum density (previously removed by the Government from PPS3), the removal of a national minimum threshold at which affordable housing would be required as part of a housing development and the removal of the rural exception sites policy.
- 6.32 The housing policies are relatively prescriptive, though, as to what action local planning authorities should take to increase the supply of housing and deliver a wide choice of homes, some of which is quite onerous and would benefit from some clarification. One aspect of this relates to the 5 year housing land supply that local planning authorities should maintain.
- 6.33 The draft NPPF requires that authorities should now identify an extra 20% on top of this 5 year supply (i.e. they should identify a 6-year supply) to ensure choice and competition for land. Officers do not disagree with the concept of having a 5-year supply, or even a 20% buffer on top of this, but paragraph 110 of the draft NPPF states that *“Planning permission should be granted where relevant policies are out of date, for example where a local authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites”* (para 110, p.31, draft NPPF).
- 6.34 This policy is significantly stricter than that previously found in PPS3 (paragraphs 69-71), which still allowed other considerations to be taken into account even if the authority did not have a 5-year supply, and has potentially negative implications for a rural Borough such as West Lancashire.
- 6.35 Currently, despite the implementation of a more relaxed housing policy the Council does not have a 5-year supply. This is primarily due to the economic recession which has slowed down development activity and impacted upon the viability of some sites which have planning permission. If the draft NPPF were to come into effect now we would be unable to refuse permission for any housing developments except where they clearly contravened another aspect of the NPPF, such as the Green Belt. This is a highly significant concern given the constraints we have in the Borough, especially in relation to infrastructure and our rural environment.
- 6.36 It is the view of officers that the proposed sanctions set out in the draft NPPF for not having a 5-year supply need to be reviewed in order to avoid the unintentional consequence of development, not supported by the local community, occurring in inappropriate locations within the Borough. Officers

would merely suggest that the document draw more closely from the advice currently contained PPS3

- 6.37 In addition,, advice that officers have seen from the Planning Inspector at the Examination in Public for the Central Lancashire Joint Core Strategy suggests that the extra 20% buffer should equally apply to the whole target being set for a 15-year period in a Local Plan. If this is the case, it would be a significant target for rural boroughs such as West Lancashire to meet and may ultimately necessitate greater release of Green Belt land. Clarity on this matter is therefore critical..
- 6.38 A final matter of interest that the housing policies in the draft NPPF also cover is the encouragement of authorities to be responsive to local circumstances in rural areas, providing the example that if affordable housing is required, but is unviable on its own, authorities should consider allowing some market housing to facilitate the delivery of the affordable housing.

### Green Belt

- 6.39 The policies on Green Belt in the draft NPPF are not that dissimilar to that which currently exists in PPG2, although, inevitably, some of the detail is lost in the summarisation of the PPG into the NPPF. Whether this loss of detail ultimately reduces the strength of Green Belt when it comes to the finer points of applying the policy in a legal situation, only time will tell as Inspectors and the Courts make decisions interpreting the proposed policies. However, the policies proposed in the draft NPPF should be supported.
- 6.40 Other points of consideration in the Green Belt policies, which are not changes to national policy but are relevant to the current situation West Lancashire faces, include the following:
- Changing Green Belt boundaries – the draft NPPF states that Green Belt boundaries should only be altered in exceptional circumstances other than when preparing a Local Plan and that in amending them when preparing the Local Plan *“should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period”* (para 138, p.39) and *“where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”* (para 140, p.39).
  - Renewable Energy Projects – paragraph 146 reiterates that *“many renewable energy projects will comprise inappropriate development”* but that the very special circumstances that are required to be demonstrated for such developments in the Green Belt *“may include the wider environmental benefits associated with increased production of energy from renewable sources”*.

## Climate Change, Flooding and Coastal Change

- 6.41 The draft NPPF's policies on climate change, flooding and coastal change reiterate much of what is in existing national planning policy plus that which was proposed in a draft supplement to existing PPS's that was never adopted, and should be supported. They will, however, need to be supported by some form of national guidance given the wealth of useful, technical guidance that lies within the existing PPS's on these emerging topics.
- 6.42 The key areas of relevance to West Lancashire mainly relate to low-carbon energy developments and building sustainably:
- Paragraph 151 – *“Local planning authorities should not refuse planning permission for well-designed buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape unless the concern relates to a designated heritage asset”*.
  - Paragraphs 152 and 153 – the draft NPPF strongly promotes renewable and low-carbon energy, requiring that authorities seek to maximise this type of development and apply a presumption in favour of such sustainable development when determining planning applications.

## Other topics

- 6.43 The draft NPPF also cover policies on communications infrastructure, minerals, design, sustainable communities, the natural environment and the historic environment but these policies either reflect limited change to the existing national planning policies or are not contentious in their impact upon West Lancashire and so have not been commented upon here.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 While the draft NPPF clearly sets out a mandate for sustainable development, and this will see such development quickly granted planning permission and strong support for improvements to local services and infrastructure, there is concern that the way that the “presumption in favour of sustainable development” is worded in the draft NPPF could lead to unwanted and unsustainable development being allowed without full consideration of local circumstances.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There may be financial and resource implications of the change in plan-making from the existing Local Development Framework (LDF) system back to a single Local Plan. However, it is anticipated that the Council should be able to proceed with the Core Strategy and other DPDs and that these will be acceptable as up-to-date local planning policy despite the change to a Local Plan system. If this is the case, minimal extra resource will be required to

take account of how the NPPF will affect the preparation of the Core Strategy and other DPDs.

- 7.2 The draft NPPF does encourage a Development Management approach in dealing with development proposals, especially with regard to the use of pre-application advice, which the Council have recently begun charging for, thereby encouraging a process which will generate a new income for the Council.

## **8.0 RISK ASSESSMENT**

- 8.1 The changes proposed to national planning policy in the draft NPPF and the resultant change in plan-making could lead to a series of events whereby the adoption of a new Local Plan or the existing equivalent document (the Core Strategy) is delayed, resulting in an absence of local planning policy.

- 8.2 This, in turn, would result in any development which is seen to fulfil the draft NPPF's definition of sustainable development being granted planning permission under the proposed policy for the "presumption in favour of sustainable development" in the draft NPPF, thereby limiting the Council's ability to manage development proposals within their own authority.

---

---

## **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>
25 <sup>th</sup> July 2011	Draft National Planning Policy Framework
25 <sup>th</sup> July 2011	Draft National Planning Policy Framework: Consultation
25 <sup>th</sup> July 2011	Draft National Planning Policy Framework: Impact Assessment
25 <sup>th</sup> July 2011	Letter to Chief Planning Officers: National Planning Policy Framework

All of the above background documents can be downloaded from:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

9th August 2011	Advice produced by the Planning Inspectorate for use by its Inspectors – National Planning Policy Framework: Consultation Draft
-----------------	---

Available to be downloaded from:

[http://www.planningportal.gov.uk/uploads/pins/advice\\_for\\_inspectors/nppf\\_consult.pdf](http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf_consult.pdf)

### **Equality Impact Assessment**

A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

Appendix A – Recommended Responses to the Consultation Questions – Policy Questions

Appendix B – Recommended Responses to the Consultation Questions – Impact Assessment Questions

Appendix C – Equality Impact Assessment

## Recommended Responses to the Consultation Questions

### Policy Questions

#### Delivering Sustainable Development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1(a) – Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

1(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 9 and 11 – WLBC agrees with the use of the Brundtland Commission’s definition of sustainable development and that the three components of sustainable development should be pursued in an integrated way. For clarity, the Council believes that the NPPF would be strengthened by incorporation of a clear statement that this definition is applied to all parts of the document.**

**Paragraph 14 – WLBC agrees with the concept of a presumption in favour of sustainable development but objects to the proposals within the draft NPPF to simply grant permission for a development where the plan is absent, silent, indeterminate or where relevant policies are out of date. This proposal could lead to unsustainable development in inappropriate locations which are unsupported by local communities. The Council believes that the NPPF should be amended to ensure that sufficient weight is given in the decision making to the local context regardless of whether the plan is up-to-date or not.**

#### Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

2(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 20-26 – WLBC would like to see greater clarification on the transition arrangements between the existing LDF system and what appears to be a new Local Plans system proposed by the draft NPPF.**

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2(c) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

2(d) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 46 – WLBC supports the “duty to cooperate” but would like to see greater flexibility in relation to the way this cooperation is evidenced at an examination, with less formal evidence than that proposed in paragraph 46 being considered appropriate, especially in relation to development plan documents that are already in preparation.**

### Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

- |                |                                     |
|----------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/>            |
| Agree          | <input checked="" type="checkbox"/> |



- Neither agree or Disagree
- Disagree
- Strongly Disagree

3(b) Do you have comments? (please begin with relevant paragraph number)

Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

4(a) Do you agree

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

4(b) What should any separate guidance cover and who is best placed to provide it?

**WLBC agrees that guidance could be provided by organisations outside the government, but there may be a danger in making it “light-touch” as there is a need for some consistency across the country in certain planning matters and detailed guidance ensures this consistency.**

**WLBC considers that there are many areas where guidance may be necessary, including most particularly on climate change (Energy Saving Trust / Carbon Trust / Envirolink), flooding (Environment Agency) and coastal change (Marine Management Organisation), the housing evidence required by the NPPF, business and economic development (especially applying market viability), retail / town centres, transport and infrastructure planning.**

### **Business and economic development**

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree?

- Strongly agree
- Agree

- Neither agree or Disagree
- Disagree
- Strongly Disagree

5(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 73-75 – WLBC do agree that the draft NPPF’s policies will encourage economic activity, but further guidance to ensure that the policies are applied equally across the country may provide still greater certainty and confidence for business.**

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

**More guidance on economic growth projections by District in terms of numbers of jobs and in what sectors (i.e. an economic equivalent to the household projections) and how to best translate this into employment land requirements.**

**Guidance on what evidence it is appropriate to require of applicants to justify the loss of an employment site when they are proposing to redevelop an existing employment site for another use.**

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

6(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 76-80 – WLBC do agree that the draft NPPF’s policies will be beneficial for planning for business and economic development, but there is concern that the loss of detail from PPS4, especially in relation to assessing retail proposals, could create inconsistent approaches**

across the country, and therefore inequality.

## Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

7(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 84 – WLBC considers that the 1<sup>st</sup> bullet point should be amended to read “facilitate economic growth by taking a positive approach to planning for *improvements to sustainable transport infrastructure*”. The reasoning informing an objective where it is expected that *development*, in and of itself, will deliver sufficient sustainable transport improvements to stimulate economic growth is inaccurate.**

**Paragraph 85 – WLBC considers that the policy could be made more relevant to local planning authorities by also discussing the local provision of sustainable transport infrastructure to significant employment destinations.**

**Paragraph 86 – WLBC considers that the 3<sup>rd</sup> bullet point appears to prioritise delivery of housing and economic growth over highway safety and the accessibility / sustainability of transport connections serving the proposed development. What the NPPF defines as “severe” residual impacts should be made clear.**

## Communications infrastructure

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree?

- |                |                                     |
|----------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/>            |
| Agree          | <input checked="" type="checkbox"/> |

- Neither Agree or Disagree
- Disagree
- Strongly Disagree

8(b) Do you have comments? (please begin with relevant paragraph number)

**Minerals**

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

9(b) Do you have comments? (please begin with relevant paragraph number)

**Housing**

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

10(b) Do you have comments? (please begin with relevant paragraph number)

**WLBC agree that the draft NPPF will enable the delivery of more homes to meet local demand, although would wish to express concerns that the policies may not always ensure that they are provided in the right location.**

**Paragraph 109 – WLBC considers that greater clarity is**

**required on the additional allowance of 20% on top of the 5-year supply. Should this come out of the 6-10 year supply or be entirely separate? Will a similar allowance be required for the full 15-year supply in Local Plans?**

**Paragraph 110 – WLBC is concerned that the draft NPPF proposes to take away the ability of local planning authorities to properly determine housing applications in light of local context simply because a 5-year supply of housing cannot be demonstrated. This will inevitably lead to unsustainable housing developments in inappropriate locations against the wishes of local communities, and therefore be contrary to the localism agenda.**

### **Planning for schools**

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

11(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 127 – WLBC recommends that there should be consideration of what impact the proposed “very significant weight” to be attached to the desirability of establishing new schools will have on unrelated existing schools – it would seem perverse to promote a new school in this way if it results in the closure of an unrelated existing school.**

### **Design**

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |

Disagree

Strongly Disagree

12(b) Do you have comments? (please begin with relevant paragraph number)

### Green Belt

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

13(a) Do you agree?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

13(b) Do you have comments? (please begin with relevant paragraph number)

**WLBC agree that the draft NPPF gives a strong, clear message on Green Belt protection, but that it is perhaps not as strong as PPG2 and therefore could result in some inappropriate development being permitted in the Green Belt.**

**Paragraphs 137-140 – WLBC would like to see consideration and encouragement of sub-regional reviews of Green Belt to enable a more robust and comprehensive review of Green Belt boundaries in a “wider-than-local” context.**

### Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

14(b) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately**

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

Strongly Agree   
Agree   
Neither Agree or Disagree   
Disagree   
Strongly Disagree

14(d) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately**

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

Strongly Agree   
Agree   
Neither Agree or Disagree   
Disagree   
Strongly Disagree

14(f) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately**

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

14(h) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately and that important detailed guidance currently within PPS25 and its accompanying companion guide is not lost**

### **Natural and Local Environment**

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

15(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 167 – WLBC considers that greater emphasis should be placed on protecting agricultural land for the needs of future generations and to improve the UK's ability to be self-sustaining.**

### **Historic Environment**

This policy provides the right level of protection for heritage assets.

16(a) Do you agree?

- |                |                          |
|----------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
|----------------|--------------------------|



- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

16(b) Do you have comments? (please begin with relevant paragraph number)

## Appendix B

### Recommended Responses to the Consultation Questions

#### Impact Assessment Questions

##### Impact assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

**See answers to questions below**

##### Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

**No**

#### Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

**No comments**

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

**Potential for loss of detailed guidance on particular matters due to streamlining of policies leaving local authorities exposed to developer pressures. This could lead to a greater uncertainty in decision-making, leading to more planning appeals.**

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

**The familiarisation time of 3 to 4 hours per person seems to be on the low side given that different cases will present different challenges as to how the NPPF will be interpreted. We would suggest that this would be a rather longer ongoing familiarisation process which is difficult to quantify as a fixed number of hours.**

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

**Agree with the notion that consolidating national policy will save between 2.5 to 4 hours per planning application, once officers are familiar with the NPPF. No further evidence to offer at this stage.**

QA5: What behavioural impact do you expect on the number of applications and appeals?

**It is considered that the number of applications may increase from the number currently received as despite wider economic factors, there will be more speculative applications. It is further considered that this will result in the number of appeals rising due to discrepancies in interpretation of the NPPF in the early days and the increase in speculative applications.**

QA6: What do you think the impact will be on the above costs to applicants?

**Impact on costs to applicants will be minimal as the consideration of National Policy is only part of the process, the more detailed local policy agenda will continue to be a major consideration when preparing an application. However, more appeals will ultimately mean higher costs for those applicants affected.**

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

**No further views.**

QB1.1: What impact do you think the presumption will have on:

- (i) the number of planning applications;
- (ii) the approval rate; and
- (iii) the speed of decision-making?

**In the longer term the presumption in favour of sustainable development is likely to have a positive impact on the number of planning applications, the approval rate and the speed of decision making. In the shorter term, however, there is likely to be some confusion. Developers will**

**clearly see this as an opportunity for pursuing their interests and are likely to submit more applications, however until a clear policy agenda has been interpreted and fully understood by officers at a local level, the approval rate and speed of decision making is likely to decrease for a period, or perhaps remain steady. An increase in the number of appeals will only slow the ultimate speed of decision making further. Guidance and support for local authorities during this stage will be crucial, but the ability to interpret such a presumption flexibly at a local level will be equally as important.**

- QB1.2: What impact, if any, do you think the presumption will have on:
- (i) the overall costs of plan production incurred by local planning authorities?
  - (ii) engagement by business?
  - (iii) the number and type of neighbourhood plans produced?

**Many LPAs are at an advanced stage in the production of their Core Strategies, if they have not already been adopted. As a result, any changes in the nature of 'local plans' or LDFs as a result of the presumption in favour of sustainable development will have significant costs in terms of plan production and the necessary amendments to be made. It would be helpful if more guidance could be produced at Central Government level demonstrating how cost implications could be reduced i.e. could some of the requirements associated with the presumption be built into existing Core Strategies where drafts are in progress in order to increase the life of the document thereby reducing immediate costs?**

**The presumption is likely to have a positive impact on engagement with businesses, particularly as there may be new development opportunities to follow up. However, with constant public consultation on ever changing policy approaches some will inevitably become frustrated with and perhaps disinterested in the latest changes.**

**The presumption may lead to more neighbourhood plans as local communities and businesses will see this as an opportunity for development. However, thus far, in West Lancashire there has been little interest in Neighbourhood Plans because of the costly and onerous preparation process and because most communities want less development, not more.**

- QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

**Economic and social factors are likely to be impacted in a positive manner as a result of the presumption in favour of sustainable development, particularly economic factors. It is likely that streamlining policies will encourage more economic and residential development, though LPAs need to ensure that existing employment sites are not all lost to more profitable housing development. We have greater concerns regarding the environment, particularly in areas which are more rural in nature and those which have a significant historic environment. In such areas the presumption may have a more negative impact and LPAs will need to carefully consider how to manage this at a local level. Ultimately, the proposed approach to implementing the presumption in the NPPF may lead to more unsustainable development.**

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

**Overall, the presumption should have a positive impact on development and the positive determination of planning applications. However, during the transition period as LPAs create and familiarise themselves with the new approach there may be a temporary rise in the number of appeals. Even after the transition period, it is likely that some conflict will remain in relation to the natural and historic environment and conflict between existing uses. It is possible that this rise in appeals, especially initially, will be quite significant.**

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

**Yes. Whilst including office uses in the town centre policy has been beneficial in some respects, it is realistic to reduce restrictions on the future development of this use in line with market demands. Indeed some areas do not benefit from a policy which specifies that office space can only be located centrally, particularly in more rural Boroughs. Caution needs to be had, however, to ensure that such development is only allowed in sustainable locations and this is identified within the impact assessment.**

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

**Yes. 10 years is a more realistic time frame for assessing**

**the full impacts of a scheme. This will be particularly relevant during the crucial post recession era.**

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

**Resource costs are likely to be significant at the outset in terms of survey work, assessment of existing parking provision, location/accessibility, public consultation and preparing a policy. However, the benefits of having a locally specific requirement would outweigh the costs in the longer term. Again, some guidance or parameters at a central level would be helpful in determining local parking standards, and demonstrate the government's commitment to discouraging the use of private vehicles and encouraging sustainable modes of transport.**

QB2.4: As a local council, at what level will you set your local parking standards, compared with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

**As a largely rural local council with relatively poor public transport links, it will be beneficial to have the flexibility to tailor parking standards to suit local needs. Given the relatively remote location of the Borough, benefits such as fewer parking restrictions would assist greatly in attracting new employment development to the area in future. Therefore, in certain parts of the Borough the Council may be inclined to increase parking standards compared to the current national standards.**

**The impact assessment presents a fair representation of the costs and benefits.**

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

**Yes.**

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

**In a largely rural Borough, removing the national target for brownfield will not have a major impact. Existing towns and villages are already greatly constrained by the Green Belt and there is very little land left within the majority of existing settlements to accommodate new development.**

**Having said that, there are some areas where a brownfield land target should be kept high in order to facilitate regeneration and avoid a situation of ‘easy wins’ for developers who prefer greenfield sites rather than contaminated brownfield sites.**

**The Council would continue with its current approach, prioritising brownfield land where ever possible in order to meet housing targets sustainably.**

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

**The identification of 20% additional land for homes is a sensible approach in order to plan ahead in terms of housing delivery. In practical terms, however, this may be more difficult to achieve and manage in some Boroughs, for example those which usually have a lot of windfall development and those, such as West Lancashire, that are severely constrained. The current economic climate also makes it very difficult to achieve a 5 year supply, let alone 20% extra. Additional resources are not considered to be significant given the detailed work which already goes into the SHLAA. However, if this additional 20% is applied to the full 15-year supply of a Local Plan, it will require additional resource in preparing the Local Plan.**

QB3.3: Will you change your local affordable housing threshold in the light of the changes proposed? How?

**A more flexible approach to affordable housing requirements is welcomed. Whilst we would not look to provide less affordable housing overall, it would be beneficial to require less in areas which are in need of regeneration where developers can make contributions in terms of other planning obligations. Affordable housing thresholds with no flexibility make it difficult to direct development to weaker housing market areas which are most in need of investment. However, WLBC has already considered this in preparing its Core Strategy.**

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

**Whilst ensuring that varied housing is made available to rural communities, the Council will continue to consider the benefits and disadvantages of development in environmentally sensitive locations. Where developer contributions can mitigate such impacts there may be a**

**case for developing some market housing, along with affordable housing but demand levels would need to be assessed in detail. A further complication for WLBC is that our rural areas are also Green Belt.**

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

**As this is a new policy area, it would take rather a lot of resource to assess existing provision in terms of availability and viability, consult with the public and produce a new community facilities policy. It is, however, difficult to identify a specific figure for this, and some of this work has already taken place in preparing the IDP.**

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

**Similarly to the response to QB3.5, developers would incur a cost to provide the same level of detail as part of an evidence base.**

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

**Generally the impact assessment seems to be fair, although it is rather light on the impact on the environment and open nature of the Green Belt. There should be more emphasis on how local councils should protect the existing qualities of the Green Belt and weigh these up against the benefits of, for example, a new transport interchange.**

QB4.1: What are the resource implications of the new approach to green infrastructure?

**The new policy approach to green infrastructure appears to be very vague stating only that LPAs will be encouraged to take a more strategic view of green infrastructure provision. There is no guidance as to how this will differ from the current approach and it is stated that the preferred option will not require LPAs to gather new evidence. The resource implications and impacts of this policy change are therefore unclear. This policy approach requires further clarification.**

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?



**The Local Green Space designation policy will make it easier to protect locally valued green spaces from development. This is particularly important in rural Boroughs where development pressures are high. The concern, however, is that local green spaces need to be considered carefully in terms of their value and weighed up against the potential loss of Green Belt in order to meet development needs. The policy's intention is sufficiently defined.**

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

**There will be resource implications in monitoring potential/emerging European sites, however these are deemed to be minimal and the overall approach is supported.**

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

**A change to a more flexible policy approach to decentralised energy is welcomed. Whilst this remains an important priority, some flexibility is helpful in order to ensure that such schemes can be applied in suitable locations, where viable and deliverable. Removing overall 'targets' is therefore supported. The Council's policy approach will be considered in light of the above.**

QB4.5 Will your approach to renewable energy change as a result of this policy?

**Identifying broad areas would certainly help to strategically plan for large scale renewable energy developments and infrastructure. However, there needs to be some recognition that smaller scale provision may vary depending on specific sites and viability. Additional flexibility in this regard will be important and our policy approach will seek to reflect this.**

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?

**The Council's approach is unlikely to change as the changes recently made to the PPS5 will be carried forward and monitoring is already carried out.**



## Equality Impact Assessment

### West Lancashire Borough Council

#### EIA process for services, policies, projects and strategies

##### Question 1

Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:

- People of different ages – including young and older people
- People with a disability
- People of different races/ethnicities/nationalities
- Men
- Women
- People of different religions/beliefs
- People of different sexual orientations
- People who are or have identified as transgender
- People who are married or in a civil partnership
- Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave
- People living in areas of deprivation or who are financially disadvantaged

**No**

##### Question 2

What sources of information have you used to come to this decision?

**The draft National Planning Policy Framework document**

**Question 3**

How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?

**No**

**Question 4**

Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people)
- Foster good relations between people who share a protected characteristic and those who do not share it

**No**

**Question 5**

What actions will you take to address any issues raised in your answers above?

**N/A**

**42. DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

Councillor Forshaw introduced the report of the Director of Transformation which set out the Draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and sought approval for the draft response officers had prepared on behalf of the Council to the consultation.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the proposed responses to the Consultation Questions set out in Appendix A and B to the report be approved for submission to the Department for Communities and Local Government (CLG) along with a covering letter setting out the Council's general support of the draft NPPF, subject to particular aspects of concern within the document.
  - B. That the Borough Planner, in consultation with the Portfolio Holder for Planning and Transportation, prepare a covering letter to CLG to reflect the content of the report, following consideration of any agreed comments from the Executive Overview & Scrutiny Committee and Planning Committee.
  - C. That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2011.



**EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE – 29 SEPTEMBER 2011**

**33. DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

Consideration was given to the report of the Director of Transformation which set out the Draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and the draft response officers had prepared on behalf of the Council to the consultation.

During discussion of this item it was proposed that an all Member presentation on this document should be undertaken. It was noted that deferral of consideration would mean the Committee's views would be provided after expiry of the consultation deadline.

RESOLVED: That consideration of this item be deferred and that arrangements be put in place for a presentation to all Members on the Draft National Planning Policy Framework..





**43. DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

Consideration was given to the report of the Director of Transformation as contained on pages 581 to 614 of the Book of Reports the purpose of which was to inform members of the draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and to seek approval for the draft response officers have prepared on behalf of the Council to the consultation on the draft NPPF.

RESOLVED: That the contents of the report and the draft NPPF be noted and that the following comments be referred to the Borough Planner for consideration as part of the response to the Government:-

- (i) which outside bodies would be able to produce further guidance documents, and whether they would be appropriate to do so;
- (ii) issues with regard to minerals and shale gas
- (iii) further guidance on flood risks issues should be included in the draft NPPF.





**Directorate of Transformation**

**John R Harrison DipEnvP, MRTPI  
Borough Planner**

PO Box 16 , 52 Derby Street  
Ormskirk , West Lancashire L39 2DF  
Telephone: 01695 577177  
Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)  
Fax: 01695 585113  
Email: [plan.apps@westlancs.gov.uk](mailto:plan.apps@westlancs.gov.uk)

Alan C Scott  
Department for Communities and Local  
Government  
National Planning Policy Framework  
Zone 1/H6, Eland House  
Bressenden Place  
London, SW1E 5DU

Date: 10<sup>th</sup> October 2011  
Your ref:  
Our ref:  
Please ask for: John Harrison  
Direct dial no: 01695 585132  
Extension: 5132

Dear Mr Scott

**RE: Consultation on the Draft National Planning Policy Framework**

Thank you for inviting West Lancashire Borough Council (WLBC) to respond to the consultation on the draft National Planning Policy Framework (NPPF). The Council's formal response to the consultation questions on the draft document and the Impact Assessment are enclosed, but the Council would like to take this opportunity to offer its broad support to the draft NPPF and draw out some key comments from the enclosed response where the Council feels that the draft document could be improved further with some clarification of minor changes.

The simplification of national planning policy

WLBC welcomes the simplified draft NPPF and the fact that it does appear to have included much of the essential national policy currently used by Local Authorities. However, it is crucial that the potential guidance that will sit alongside the NPPF is outlined in more detail, with details of what guidance will be made available and which organisations will be responsible for preparing it by the time the final NPPF is published. The Council has some concerns about which bodies may be able to produce such guidance and there does need to be clarity on this matter. Any such guidance should be officially endorsed by the Government and it needs to be made clear what weight it carries compared to 'unofficial' guidance produced by third parties.

The presumption in favour of sustainable development

WLBC supports the continuation of the "golden thread" of sustainable development put forward in the draft NPPF and welcomes the use of the Brundtland Commission's definition in paragraph 9. However, it is vital that the NPPF makes it clear that it is this

**Chief Executive: William J. Taylor MBE  
Director of Transformation: Kim Webber B.Sc., M.Sc.**



definition that should be applied when considering the “presumption in favour of sustainable development” to enable reasonable scope for particular local circumstances to influence planning decisions.

There is a concern that the draft NPPF does not clearly state that this is the case and that other references to sustainable development throughout the document appear to focus more on economic growth than other aspects of sustainability. This lack of clarity could, unintentionally, encourage the submission of proposals for development in inappropriate locations, and therefore ultimately encourage *unsustainable* development through the “presumption in favour of sustainable development”, especially where the local plan is absent, silent, indeterminate or out of date (paragraph 14).

It is the view of WLBC that it may helpful to add a sentence into the policy on the presumption in favour of sustainable development to the effect that all development proposals that are not considered to be sustainable should be refused planning permission, unless there are exceptional reasons for allowing permission.

### Development Management

WLBC supports the Development Management approach put forward in the draft NPPF in dealing with development proposals, especially with regard to the use of pre-application advice. WLBC have already embraced this approach, and pre-application advice in particular, and so the principle of Development Management is a welcome inclusion in the draft NPPF.

### Changes to plan-making

The draft NPPF, without explicitly saying so, appears to mark a move away from the existing Local Development Framework (LDF) system for local planning policy to a Local Plan which should, ideally, be a single document. WLBC supports this move to a simpler and easier to understand system for local planning policy but would welcome this apparent change to the local planning system being confirmed more clearly, together with guidance on transition arrangements between the systems for local authorities.

In addition, the NPPF would benefit from greater clarity on the spatial aspects of plan-making as decisions on development proposals cannot be properly guided without some spatial aspect to local planning policy.

WLBC supports the changes to the tests of soundness against which a Local Plan will be examined by an Inspector, in particular the “duty to cooperate” for public bodies on planning issues that cross administrative boundaries, although more advice on this “duty” would be welcomed as the NPPF is finalised and it could be extended to other organisations, such as utilities companies.

In relation to Neighbourhood Plans, WLBC would request clarification on paragraph 51 of the draft NPPF which states that, when a Neighbourhood Plan is adopted after a Local Plan has been adopted, it will “*take precedence over the existing policies in the Local Plan for that neighbourhood, where they are in conflict.*” This appears to be contradictory to the concept that a Neighbourhood Plan should be prepared in accordance with a Local Plan.

## Business and economic development

WLBC generally supports the policies proposed in the business and economic development section of the draft NPPF but are concerned over the encouragement for planning policies to avoid the long term protection of employment land or floorspace. Depending on how this is interpreted, valuable employment land could be lost to other land uses, and this loss of employment land may ultimately be detrimental to the long-term recovery and prosperity of the local economy. The loss of such sites may mean new employment land having to be identified once economic recovery is underway (potentially delaying the delivery of new employment land) and such new sites may possibly be in less sustainable locations.

## Transport

WLBC consider that the transport policies in the draft NPPF could, in general, be strengthened, given that it is such a crucial area of infrastructure, and could be made more directly applicable to the level that most local planning authorities will be working at. More specific comments are provided in the enclosed response to the consultation questions.

## Housing

WLBC are in general support of the housing policies within the draft NPPF, but are somewhat concerned by the proposals for the 5 year housing land supply that local planning authorities should maintain. The Council understand the need to identify an extra 20% on top of the 5 year supply to ensure choice and competition for land and do not disagree with the concept, but the Council is concerned about the potential repercussions of not being able to demonstrate a 5-year supply, as set out in paragraph 110 of the draft NPPF.

Paragraph 110 states that *“Planning permission should be granted where relevant policies are out of date, for example where a local authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites”*.

This policy is significantly stricter than that previously found in PPS3 (paragraphs 69-71), which still allowed for other considerations to be taken into account even if the authority did not have a 5-year supply, and has potentially negative implications for a rural Borough such as West Lancashire.

Currently, despite the implementation of a more relaxed housing policy, the Council does not have a 5-year supply. This is primarily due to the economic recession which has slowed down development activity and impacted upon the viability of some sites which have planning permission. If the draft NPPF were to come into effect now WLBC would be unable to refuse permission for any housing developments except where they clearly contravened another key aspect of the NPPF, such as the Green Belt. This is a highly significant concern given the constraints we have in the Borough, especially in relation to infrastructure and our rural environment.

Such an application of the “presumption in favour of sustainable development” may have the unintentional consequence of allowing development that is not supported by the local community (or the local authority) to occur in inappropriate and potentially

unsustainable locations within the Borough. WLBC would request that the policy in paragraph 110 of the NPPF be amended to draw more closely from the advice currently contained within PPS3 (paragraphs 69-71), which allows a degree of local context and circumstance to influence decisions where there is not a 5-year housing land supply.

In addition, more advice should be provided on what is required of local authorities in ensuring flexibility to their 15-year housing land supply. WLBC understands that the 20% extra required for the 5-year supply will **not** be applied to the 15-year supply, but the Council struggles to see how genuine flexibility can be ensured without requiring that more land is made available for development over and above that required for the 15-year supply. This is crucial for a borough such as West Lancashire as this would ultimately mean the release of more Green Belt for development.

### Green Belt

WLBC, which covers an area that is over 90% Green Belt, supports the policies proposed in the draft NPPF on the Green Belt. The Council feels that the policies could be strengthened by requiring a regular strategic, inter-authority review of Green Belt boundaries to ensure that when boundaries are amended, they are amended with the support of all authorities affected by a specific Green Belt and are amended with the long-term permanence of the boundary in mind (as per paragraphs 138 and 140 of the draft NPPF).

### Flood Risk

With a significant amount of the Borough at risk of Tidal Flooding, and other areas at risk of localised flooding due to the lack of capacity in combined sewers, the Council feels that there should be greater guidance on such an important topic.

As I hope is clear from the above, WLBC is supportive of the draft NPPF and its general principles and, in particular, welcomes the encouragement of sustainable development. It is the view of WLBC that the draft NPPF can be further improved by the inclusion of a few, key amendments to draft policy, set out above and in the enclosed consultation questionnaire responses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Harrison', with a long horizontal flourish extending to the right.

**John Harrison**  
Borough Planner

## Policy Questions

### Delivering Sustainable Development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1(a) – Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

1(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 9 and 11 – WLBC agrees with the use of the Brundtland Commission’s definition of sustainable development and that the three components of sustainable development should be pursued in an integrated way. For clarity, the Council believes that the NPPF would be strengthened by incorporation of a clear statement that this definition is applied to all parts of the document.**

**Paragraph 14 – WLBC agrees with the concept of a presumption in favour of sustainable development but objects to the proposals within the draft NPPF to simply grant permission for a development where the plan is absent, silent, indeterminate or where relevant policies are out of date. This proposal could lead to unsustainable development in inappropriate locations which are unsupported by local communities. The Council believes that the NPPF should be amended to ensure that sufficient weight is given in the decision making to the local context regardless of whether the plan is up-to-date or not.**

### Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

- |                |                          |
|----------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
|----------------|--------------------------|

- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

2(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 20-26 – WLBC would like to see greater clarification on the transition arrangements between the existing LDF system and what appears to be a new Local Plans system proposed by the draft NPPF.**

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2(c) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

2(d) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 46 – WLBC supports the “duty to cooperate” but would like to see greater flexibility in relation to the way this cooperation is evidenced at an examination, with less formal evidence than that proposed in paragraph 46 being considered appropriate, especially in relation to development plan documents that are already in preparation.**

### Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree



Strongly Disagree

3(b) Do you have comments? (please begin with relevant paragraph number)

Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

4(a) Do you agree

Strongly agree

Agree

Neither agree or Disagree

Disagree

Strongly Disagree

4(b) What should any separate guidance cover and who is best placed to provide it?

**WLBC agrees that guidance could be provided by organisations outside the government. However, there needs to be greater clarity about which organisations would be able to produce such guidance and what weight should be attached to it. Perhaps any such guidance produced should be officially endorsed by the Government. There may be a danger in making it “light-touch” as there is a need for some consistency across the country in certain planning matters and detailed guidance ensures this consistency.**

**WLBC considers that there are many areas where guidance may be necessary, including most particularly on climate change (Energy Saving Trust / Carbon Trust / Envirolink), flooding (Environment Agency) and coastal change (Marine Management Organisation), the housing evidence required by the NPPF, business and economic development (especially applying market viability), retail / town centres, transport and infrastructure planning.**

### **Business and economic development**

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

5(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 73-75 – WLBC do agree that the draft NPPF’s policies will encourage economic activity, but further guidance to ensure that the policies are applied equally across the country may provide still greater certainty and confidence for business.**

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

**More guidance on economic growth projections by District in terms of numbers of jobs and in what sectors (i.e. an economic equivalent to the household projections) and how to best translate this into employment land requirements.**

**Guidance on what evidence it is appropriate to require of applicants to justify the loss of an employment site when they are proposing to redevelop an existing employment site for another use.**

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

6(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraphs 76-80 – WLBC do agree that the draft NPPF’s policies will be beneficial for planning for business and economic development, but there is concern that the loss**

of detail from PPS4, especially in relation to assessing retail proposals, could create inconsistent approaches across the country, and therefore inequality.

## Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

7(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 84 – WLBC considers that the 1<sup>st</sup> bullet point should be amended to read “facilitate economic growth by taking a positive approach to planning for *improvements to sustainable transport infrastructure*”. The reasoning informing an objective where it is expected that *development*, in and of itself, will deliver sufficient sustainable transport improvements to stimulate economic growth is inaccurate.**

**Paragraph 85 – WLBC considers that the policy could be made more relevant to local planning authorities by also discussing the local provision of sustainable transport infrastructure to significant employment destinations.**

**Paragraph 86 – WLBC considers that the 3<sup>rd</sup> bullet point appears to prioritise delivery of housing and economic growth over highway safety and the accessibility / sustainability of transport connections serving the proposed development. What the NPPF defines as “severe” residual impacts should be made clear.**

## Communications infrastructure

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

8(b) Do you have comments? (please begin with relevant paragraph number)

### Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

9(b) Do you have comments? (please begin with relevant paragraph number)

**Paras 101, 102, 103 – Greater detail and guidance should be contained in this section on particular issues relating to specific mineral types – for example the Council would welcome greater guidance on the extraction of shale gas which will become a major issue in Lancashire over the next couple of years.**

### Housing

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

- |                |                          |
|----------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
|----------------|--------------------------|

- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

10(b) Do you have comments? (please begin with relevant paragraph number)

**WLBC agree that the draft NPPF will enable the delivery of more homes to meet local demand, although would wish to express concerns that the policies may not always ensure that they are provided in the right location.**

**Paragraph 109 – WLBC considers that greater clarity is required on the additional allowance of 20% on top of the 5-year supply. Should this come out of the 6-10 year supply or be entirely separate? Will a similar allowance be required for the full 15-year supply in Local Plans?**

**Paragraph 110 – WLBC is concerned that the draft NPPF proposes to take away the ability of local planning authorities to properly determine housing applications in light of local context simply because a 5-year supply of housing cannot be demonstrated. This will inevitably lead to unsustainable housing developments in inappropriate locations against the wishes of local communities, and therefore be contrary to the localism agenda.**

### Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

11(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 127 – WLBC recommends that there should be consideration of what impact the proposed “very significant weight” to be attached to the desirability of establishing new schools will have on unrelated existing**

**schools – it would seem perverse to promote a new school in this way if it results in the closure of an unrelated existing school.**

## Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

12(b) Do you have comments? (please begin with relevant paragraph number)

## Green Belt

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

13(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

13(b) Do you have comments? (please begin with relevant paragraph number)

**WLBC agree that the draft NPPF gives a strong, clear message on Green Belt protection, but that it is perhaps not as strong as PPG2 and therefore could result in some inappropriate development being permitted in the Green Belt.**

**Paragraphs 137-140 – WLBC would like to see consideration and encouragement of sub-regional reviews of Green Belt to enable a more robust and comprehensive**

**review of Green Belt boundaries in a “wider-than-local” context.**

### **Climate change, flooding and coastal change**

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

14(b) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately**

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

14(d) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately**

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for

developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

14(f) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately**

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

14(h) Do you have comments? (please begin with relevant paragraph number)

**WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately and that important detailed guidance currently within PPS25 and its accompanying companion guide is not lost. Flood risk is a major issue in West Lancashire.**

## **Natural and Local Environment**

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree?

- |                |                          |
|----------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
|----------------|--------------------------|



- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

15(b) Do you have comments? (please begin with relevant paragraph number)

**Paragraph 167 – WLBC considers that greater emphasis should be placed on protecting agricultural land for the needs of future generations and to improve the UK’s ability to be self-sustaining.**

### Historic Environment

This policy provides the right level of protection for heritage assets.

16(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

16(b) Do you have comments? (please begin with relevant paragraph number)

## Impact Assessment Questions

### Impact assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

**See answers to questions below**

### Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

**No**

### Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

**No comments**

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

**Potential for loss of detailed guidance on particular matters due to streamlining of policies leaving local authorities exposed to developer pressures. This could lead to a greater uncertainty in decision-making, leading to more planning appeals.**

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

**The familiarisation time of 3 to 4 hours per person seems to be on the low side given that different cases will present different challenges as to how the NPPF will be interpreted. We would suggest that this would be a rather longer ongoing familiarisation process which is difficult to quantify as a fixed number of hours.**

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

**Agree with the notion that consolidating national policy will save between 2.5 to 4 hours per planning application, once officers are familiar with the NPPF. No further evidence to offer at this stage.**

QA5: What behavioural impact do you expect on the number of applications and appeals?

**It is considered that the number of applications may increase from the number currently received as despite wider economic factors, there will be more speculative applications. It is further considered that this will result in the number of appeals rising due to discrepancies in interpretation of the NPPF in the early days and the increase in speculative applications.**

QA6: What do you think the impact will be on the above costs to applicants?

**Impact on costs to applicants will be minimal as the consideration of National Policy is only part of the process, the more detailed local policy agenda will continue to be a major consideration when preparing an application. However, more appeals will ultimately mean higher costs for those applicants affected.**

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

**No further views.**

QB1.1: What impact do you think the presumption will have on:

- (i) the number of planning applications;
- (ii) the approval rate; and
- (iii) the speed of decision-making?

**In the longer term the presumption in favour of sustainable development is likely to have a positive impact on the number of planning applications, the approval rate and the speed of decision making. In the shorter term, however, there is likely to be some confusion. Developers will clearly see this as an opportunity for pursuing their interests and are likely to submit more applications, however until a clear policy agenda has been interpreted and fully understood by officers at a local level, the approval rate and speed of decision making is likely to decrease for a period, or perhaps remain steady. An increase in the number of appeals will only slow the ultimate speed of decision making further. Guidance and support for local authorities during this stage will be crucial, but the ability to interpret such a presumption flexibly at a local level will be equally as important.**

QB1.2: What impact, if any, do you think the presumption will have on:

- (i) the overall costs of plan production incurred by local planning authorities?
- (ii) engagement by business?
- (iii) the number and type of neighbourhood plans produced?

**Many LPAs are at an advanced stage in the production of their Core Strategies, if they have not already been adopted. As a result, any changes in the nature of 'local plans' or LDFs as a result of the presumption in favour of sustainable development will have significant costs in terms of plan production and the necessary amendments to be made. It would be helpful if more guidance could be produced at Central Government level demonstrating how cost implications could be reduced i.e. could some of the requirements associated with the presumption be built into existing Core Strategies where drafts are in progress in order to increase the life of the document thereby reducing immediate costs?**

**The presumption is likely to have a positive impact on engagement with businesses, particularly as there may be new development opportunities to follow up. However, with constant public consultation on ever changing policy approaches some will inevitably become frustrated with and perhaps disinterested in the latest changes.**

**The presumption may lead to more neighbourhood plans as local communities and businesses will see this as an**

**opportunity for development. However, thus far, in West Lancashire there has been little interest in Neighbourhood Plans because of the costly and onerous preparation process and because most communities want less development, not more.**

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

**Economic and social factors are likely to be impacted in a positive manner as a result of the presumption in favour of sustainable development, particularly economic factors. It is likely that streamlining policies will encourage more economic and residential development, though LPAs need to ensure that existing employment sites are not all lost to more profitable housing development. We have greater concerns regarding the environment, particularly in areas which are more rural in nature and those which have a significant historic environment. In such areas the presumption may have a more negative impact and LPAs will need to carefully consider how to manage this at a local level. Ultimately, the proposed approach to implementing the presumption in the NPPF may lead to more unsustainable development.**

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

**Overall, the presumption should have a positive impact on development and the positive determination of planning applications. However, during the transition period as LPAs create and familiarise themselves with the new approach there may be a temporary rise in the number of appeals. Even after the transition period, it is likely that some conflict will remain in relation to the natural and historic environment and conflict between existing uses. It is possible that this rise in appeals, especially initially, will be quite significant.**

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

**Yes. Whilst including office uses in the town centre policy has been beneficial in some respects, it is realistic to reduce restrictions on the future development of this use in line with market demands. Indeed some areas do not**

**benefit from a policy which specifies that office space can only be located centrally, particularly in more rural Boroughs. Caution needs to be had, however, to ensure that such development is only allowed in sustainable locations and this is identified within the impact assessment.**

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

**Yes. 10 years is a more realistic time frame for assessing the full impacts of a scheme. This will be particularly relevant during the crucial post recession era.**

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

**Resource costs are likely to be significant at the outset in terms of survey work, assessment of existing parking provision, location/accessibility, public consultation and preparing a policy. However, the benefits of having a locally specific requirement would outweigh the costs in the longer term. Again, some guidance or parameters at a central level would be helpful in determining local parking standards, and demonstrate the government's commitment to discouraging the use of private vehicles and encouraging sustainable modes of transport.**

QB2.4: As a local council, at what level will you set your local parking standards, compared with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

**As a largely rural local council with relatively poor public transport links, it will be beneficial to have the flexibility to tailor parking standards to suit local needs. Given the relatively remote location of the Borough, benefits such as fewer parking restrictions would assist greatly in attracting new employment development to the area in future. Therefore, in certain parts of the Borough the Council may be inclined to increase parking standards compared to the current national standards.**

**The impact assessment presents a fair representation of the costs and benefits.**

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

**Yes.**

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

**In a largely rural Borough, removing the national target for brownfield will not have a major impact. Existing towns and villages are already greatly constrained by the Green Belt and there is very little land left within the majority of existing settlements to accommodate new development. Having said that, there are some areas where a brownfield land target should be kept high in order to facilitate regeneration and avoid a situation of 'easy wins' for developers who prefer greenfield sites rather than contaminated brownfield sites.**

**The Council would continue with its current approach, prioritising brownfield land where ever possible in order to meet housing targets sustainably.**

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

**The identification of 20% additional land for homes is a sensible approach in order to plan ahead in terms of housing delivery. In practical terms, however, this may be more difficult to achieve and manage in some Boroughs, for example those which usually have a lot of windfall development and those, such as West Lancashire, that are severely constrained. The current economic climate also makes it very difficult to achieve a 5 year supply, let alone 20% extra. Additional resources are not considered to be significant given the detailed work which already goes into the SHLAA. However, if this additional 20% is applied to the full 15-year supply of a Local Plan, it will require additional resource in preparing the Local Plan.**

QB3.3: Will you change your local affordable housing threshold in the light of the changes proposed? How?

**A more flexible approach to affordable housing requirements is welcomed. Whilst we would not look to provide less affordable housing overall, it would be beneficial to require less in areas which are in need of regeneration where developers can make contributions in terms of other planning obligations. Affordable housing thresholds with no flexibility make it difficult to direct development to weaker housing market areas which are most in need of investment. However, WLBC has already considered this in preparing its Core Strategy.**

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

**Whilst ensuring that varied housing is made available to rural communities, the Council will continue to consider the benefits and disadvantages of development in environmentally sensitive locations. Where developer contributions can mitigate such impacts there may be a case for developing some market housing, along with affordable housing but demand levels would need to be assessed in detail. A further complication for WLBC is that our rural areas are also Green Belt.**

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

**As this is a new policy area, it would take rather a lot of resource to assess existing provision in terms of availability and viability, consult with the public and produce a new community facilities policy. It is, however, difficult to identify a specific figure for this, and some of this work has already taken place in preparing the IDP.**

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

**Similarly to the response to QB3.5, developers would incur a cost to provide the same level of detail as part of an evidence base.**



QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

**Generally the impact assessment seems to be fair, although it is rather light on the impact on the environment and open nature of the Green Belt. There should be more emphasis on how local councils should protect the existing qualities of the Green Belt and weigh these up against the benefits of, for example, a new transport interchange.**

QB4.1: What are the resource implications of the new approach to green infrastructure?

**The new policy approach to green infrastructure appears to be very vague stating only that LPAs will be encouraged to take a more strategic view of green infrastructure provision. There is no guidance as to how this will differ from the current approach and it is stated that the preferred option will not require LPAs to gather new evidence. The resource implications and impacts of this policy change are therefore unclear. This policy approach requires further clarification.**

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

**The Local Green Space designation policy will make it easier to protect locally valued green spaces from development. This is particularly important in rural Boroughs where development pressures are high. The concern, however, is that local green spaces need to be considered carefully in terms of their value and weighed up against the potential loss of Green Belt in order to meet development needs. The policy's intention is sufficiently defined.**

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

**There will be resource implications in monitoring potential/emerging European sites, however these are deemed to be minimal and the overall approach is**

**supported.**

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

**A change to a more flexible policy approach to decentralised energy is welcomed. Whilst this remains an important priority, some flexibility is helpful in order to ensure that such schemes can be applied in suitable locations, where viable and deliverable. Removing overall 'targets' is therefore supported. The Council's policy approach will be considered in light of the above.**

QB4.5 Will your approach to renewable energy change as a result of this policy?

**Identifying broad areas would certainly help to strategically plan for large scale renewable energy developments and infrastructure. However, there needs to be some recognition that smaller scale provision may vary depending on specific sites and viability. Additional flexibility in this regard will be important and our policy approach will seek to reflect this.**

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?

**The Council's approach is unlikely to change as the changes recently made to the PPS5 will be carried forward and monitoring is already carried out.**



**AGENDA ITEM: 16**

**CABINET:**  
**15 November 2011**

**EXECUTIVE OVERVIEW AND  
SCRUTINY COMMITTEE:**  
**1 December 2011**

---

**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillors Mrs V Hopley and A Owens**

**Contact for future information: Mrs Jacky Denning (Extn. 5384)**  
**(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))**

---

**SUBJECT: STEAMLINING COUNCIL HOUSE ASSET MANAGEMENT –  
DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION**

---

Wards Affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To advise that the Executive Overview and Scrutiny Committee at its meeting on 29 September 2011, were unable to consider the report of the Assistant Director Housing and Regeneration in respect of a consultation paper from the Department of Communities and Local Government (CLG) in respect of streamlining council house asset management.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the Assistant Director Housing and Regeneration submit the response to the CLG before the deadline of the 17 November 2011, as set out in Appendix A to the attached report.

2.2 That the Assistant Director Housing and Regeneration consider and forward to the CLG any additional comments agreed by the Executive Overview and Scrutiny Committee when the report is considered on 1 December 2011.

2.3 That call in is not appropriate for this item as the consultation deadline is 17 November 2011 and the report is being considered by Executive Overview and Scrutiny Committee on 1 December 2011.

### **3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

- 3.1 That the report and response to the consultation attached at Appendix 1 and the decision of Cabinet detailed at Appendix 2, be endorsed.
- 
- 

### **4.0 BACKGROUND AND PROPOSAL**

- 4.1 At its meeting on 29 September 2011 the Executive Overview and Scrutiny Committee deferred consideration of a report from the Assistant Director Housing and Regeneration in respect of a consultation paper from the Department of Communities and Local Government 'Streamlining Council House Asset Management' to its meeting on 1 December 2011, however, the deadline for the consultation is 17 November.
- 4.2 It is therefore proposed that Cabinet consider the proposed response and this be forwarded to the CLG before the deadline. Comments from the Executive Overview and Scrutiny Committee can then be forwarded to the CLG following consideration of the report at its meeting on 1 December.
- 
- 

#### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

#### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

#### **Appendices**

1. Report of the Assistant Director Housing and Regeneration.
2. Minute of Cabinet – 15 November 2011 (*Executive Overview and Scrutiny Committee only*) and final response to CLG



## APPENDIX 1

### AGENDA ITEM: 21

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
29 SEPTEMBER 2011**

**CABINET:  
15 NOVEMBER 2011**

---

**Report of: Director of Transformation**

**Relevant Head of Service: Assistant Director Housing and Regeneration**

**Relevant Portfolio Holder: Councillor Mrs V Hopley & Councillor A Owens**

**Contact for further information: Mr Darroll D McCulloch (Extn. 5203)  
(e-mail: Darroll.McCulloch@westlancs.gov.uk)**

---

**SUBJECT: STREAMLINING COUNCIL HOUSING ASSET MANAGEMENT -  
DISPOSALS AND USE OF RECEIPTS CONSULTATION**

---

Wards affected: Borough wide

#### **1.0 PURPOSE OF THE REPORT**

1.1 To advise Members of the debate that is taking place between Officers and the Department of Communities and Local Government (CLG) and to endorse the response to the consultation document.

#### **2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

2.1 That the proposed response to the CLG's consultation on 'Streamlining Council Housing Asset Management: Disposals and Use of Receipts', set out in Appendix A to the report, be noted and agreed comments be referred to Cabinet for consideration on 15 November 2011.

#### **3.0 RECOMMENDATIONS TO CABINET**

3.1 That the proposed response to the CLG's consultation on 'Streamlining Council Housing Asset Management: Disposals and Use of Receipts', set out in Appendix A to the report, be approved, subject to consideration of the Minutes of Executive Overview and Scrutiny Committee (Appendix B) on 29 September and the Landlord Services Committee (Cabinet Working Group) (Appendix C) on 9 November 2011.

- 3.2 That call in is not appropriate for this item as the report has been considered by the Executive Overview and Scrutiny Committee and the consultation deadline is 17 November 2011.

---

---

## 4.0 BACKGROUND

- 4.1 Prior to 2004 the Government's capital regulations required 75% of capital receipts arising from the sale of eligible dwellings under the Right to Buy (RTB regulations) to be set aside for the purpose of redeeming debt and the remaining 25% to be available for local capital investment
- 4.2 The Local Government Act 2003 introduced new pooling arrangements for capital receipts arising from the sale of council dwellings. This requires Councils that sell dwellings under the RTB to pass 75% of the receipt, after allowing incidental costs of disposal and investments made in last three years, back directly to central government.
- 4.3 Since 2004 total revenue from RTB receipts in England has exceeded £6.2 billion nationally, of which more than £4.7 billion has gone back to central government.
- 4.4 The Government's justification for pooling has traditionally been based on the premise that capital receipts through the pooling rules are used to support other housing and capital programmes in England, that these receipts have not arisen in areas that need capital investment, and as central government had provided a large part of the initial investment to acquire or build these dwellings, the Government should benefit from a share of the receipt.
- 4.5 However, a Government Select Committee on the Future of New Towns in 2003 specifically looked at the issues relating to Skelmersdale and concluded that whilst the Council has engineered out much of the defects of the non-traditional building construction the design and layout of estates in Skelmersdale was dysfunctional and required significant investment to address.
- 4.6 In the period 2004/2005 to 2010/11 the Council has seen a net reduction in HRA income relative to HRA subsidy of 4.4% (£0.67m).
- 4.7 The cumulative HRA subsidy withdrawal since 1995/96 has been in excess of £76m.
- 4.8 In the period 1 April 2004 to 30 June 2011 the amount of capital receipts passed to central government has amounted to £12.7m.
- 4.9 Under the HRA Financing Reforms, Councils will be taking on direct responsibility for supporting debt on their operating assets. It would be sensible that Councils should also keep the capital receipts arising on disposal of those operating assets.

- 4.10 The former Administration proposed the removal of RTB receipts pooling under their HRA Self-Financing proposals.
- 4.11 However, the current Administration have, in the interests of the national economy, announced, as part of their Comprehensive Spending Review that RTB capital receipts pooling would continue until the end of the current Spending Review period.
- 4.12 Following a period of consultation, in February the Government issued its proposals with regard to implementing HRA Self-financing setting out, amongst other things, that RTB capital Receipts pooling would continue indefinitely.
- 4.13 On 26 August, 2011, Government issued a consultation document regarding the pooling of RTB capital receipts reinforcing the message that RTB receipts pooling will operate beyond the current spending review period. Details of the consultation are provided in Section 5 below.

## **5. CLG CONSULTATION**

- 5.1 The Housing Minister Grant Shapps has indicated that the new proposals outlined in the above consultation provide councils more flexibility to trade their housing assts, use receipts to enable further investment in new homes and enable regeneration in the local area. Under the these proposals the Housing Minister believes it will provide Local Authorities with greater discretion to use and improve their council housing assets in a way that best suits the community.
- 5.2 A copy of the full consultation document may be accessed using the link below  
<http://www.communities.gov.uk/documents/housing/pdf/1961898.pdf>

## **6. PROPOSED RESPONSE TO THE CONSULTATION**

- 6.1 The closing date for this consultation is 17 November 2011.
- 6.2 For consideration and comment I have attached a proposed draft response to the consultation at appendix A

## **7. STAKEHOLDER CONSULTATION**

- 7.1 This Report is being considered by the Tenants Services Evaluation Group (SEG) on 14th October which will feed into the Landlord Services Committee (Cabinet Working Group) on 9<sup>th</sup> November.

## **8. SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

- 8.1 The results of the consultation will need to be fed into the assumptions contained within the Councils HRA Self-Financing Plan when Government announces its decision in 2012

## **9. FINANCIAL AND RESOURCE IMPLICATIONS**

9.1 As this is a consultation there are no immediate financial implications.

## **10. RISK ASSESSMENT**

10.1 There are risks associated with the proposals if they are carried through by Government.

10.2 Of particular concern is the inability to offset the cost of redeeming the debt from the capital receipt prior to pooling and the low volume and value of Right to Buy Sales assumed in the Governments debt settlement model which could make the Council's HRA Self-financing Business Plan unsustainable in the longer term.

10.3 Other areas of concern are the practicalities of opening up vacant properties to tenants who may wish to exercise a desire to purchase using their existing Right to buy discount which could accelerate estate decline as the more desirable properties are sold. And the proposal to allow tenants without the qualifying Right to Buy to be able to purchase property thereby disadvantaging those that have waited for their opportunity to buy.

---

---

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision to respond to the consultation does not have any direct impact on members of the public, employees, elected members and/ or stakeholders. Therefore no Equality impact Assessment is required.

### **Appendices**

- A Proposed Response to the consultation
- B Minute of the Executive Overview and Scrutiny Committee – 29 September 2011 (Cabinet only)
- C Minute of the Landlord Services Committee (Cabinet Working Group) – 9 November 2011 (Cabinet only)





Council Housing Capital Assets Consultation  
Department for Communities and Local  
Government  
Zone 1/H10  
Eland House  
Bressenden Place  
London  
SW1E 5DU

**Bob Livermore FCIH**  
**Executive Manager Housing and**  
**Property Maintenance Services**

**PO Box 16 - 52 Derby Street**  
**Ormskirk West Lancashire L39 2DF**  
Telephone: 01695 577177  
Website: [www.westlanacs.gov.uk](http://www.westlanacs.gov.uk)  
Fax: 01695 572331  
Email: [bob.livermore@westlanacs.gov.uk](mailto:bob.livermore@westlanacs.gov.uk)

*Date:* 16 November 2011

*Your ref:*

*Our ref:* RVL/DMcC/CC

*Please ask for:* R V Livermore

*Direct dial no:* 01695 585200

*Extension:* 5200

Dear Sir,

**RE: STREAMLINING COUNCIL HOUSING ASSET MANAGEMENT – DISPOSALS  
AND USE OF RECEIPTS - CONSULTATION**

Thank you for the opportunity to comment on the above consultation document.

We are pleased that the Housing Minister, Grant Schapps, has proposed changes that will allow councils more flexibility to trade their assets, and use the receipts to enable further investment in new homes and regenerating the local area.

We detail below our response to the questions asked in the consultation document:

**1. Consultation Question 1:**

We commend the Government in proposing to limit Secretary of State consent to dispose of housing land at market value where the disposal results in a tenant becoming the tenant of a private landlord or where the disposal is of dwelling to a wholly owned subsidiary of the local authority.

However, we have concerns that this might overly complicate or delay disposal in instances which involve only one or a few tenants particularly if this was replicated elsewhere throughout the country in cases where estate regeneration was taking place. As any disposal would be subject to consultation with tenants we would suggest that there should be a de-minimus level above which Secretary of State consent would be required.

**2. Consultation Question 2**

We could not identify other situations where the Secretary of State should provide specific consent to disposal at market value

### **3. Consultation Question 3**

We agree with the government's proposal that local authorities should continue to have discretion to dispose of reversionary interests without Secretary of State consent.

### **4. Consultation Question 4 & 5**

A decision to dispose of land at less than market value would be determined according to business need and to assist in securing regeneration with external partners. We believe therefore that local authorities should have discretion to determine discounts applied in respect of land disposal. We believe the definition of certain specified purposes needs reviewing.

### **5 Consultation Questions 6, 7, and 8**

Whilst we appreciate the government is offering greater opportunity to sell dwellings we do have concerns over the practicalities of offering vacant dwellings for sale to existing tenants at discount. This could result in spiralling decay in some parts of less desirable estates if vacant properties in more desirable areas had to be offered up for sale and the consequential costs of not being able to relet whilst the sale went through.

### **6 Consultation Questions 9, 10 and 11**

We do not foresee any issues with what is proposed for West Lancashire Borough Council

### **7. Consultation Question 12 - Pooling of Housing capital Receipts**

- 7.1 Our major concern with the proposals relate to the fact that the current and proposed pooling arrangements under Right to Buy remain unchanged beyond the period of the current Spending Review up to 2015.
- 7.2 Under the self-financing settlement, we will take on debt associated with each individual house or flat in our possession. It is therefore essential that when we disposes of houses and flats under the Right to Buy we must have the option of clearing the debt associated with it before any form of pooling is made. This will enable the Council to maintain a healthy balance sheet for their social housing, which is vital for continued investment in housing. Both of which are being denied under the current and proposed regulations.
- 7.3 West Lancashire Borough Council has a portfolio of approximately 6300 dwellings, 80% of which are located in the former New Town of Skelmersdale. Based on a Radburn design of largely non-traditional construction, property values are particularly low relative to properties elsewhere in the country. Accordingly, under a Right to Buy the proceeds are relatively low. Under the current and proposed pooling arrangement the Council retained proportion of the receipt (25%) will not be enough to discharge the debt associated with the debt settlement assigned to the Council. Table 1 below based on actual sample of property sales in Skelmersdale demonstrate this point clearly:

**Table 1 Right to Buy Receipts 2010 - 2011**

Property type	Gross Value	Amount to be Pooled (after RTB discount etc)	Pooled amount for Council (25%)	Indicative Debt Settlement	Shortfall after using all Council receipts
	£'000	£'000	£'000	£'000	£'000
2 Bed Hse	75.0	49.0	12.2	15.3	3.1
3 Bed Hse	79.5	53.5	13.4	15.3	0.9
2 Bed Flat	44.7	22.3	5.6	15.3	9.7
2 Bed Hse	71.5	46.5	11.6	15.3	3.7
2 Bed Hse	49.8	26.4	6.6	15.3	8.7
3 Bed Hse	52.0	28.5	7.1	15.3	8.2
<b>Total</b>	<b>372.5</b>	<b>226.2</b>	<b>56.5</b>	<b>91.8</b>	<b>34.3</b>

7.4 Under the Government Debt Settlement model property sales are assumed to be relatively small for the lifetime of the 30 Year Business Plan rising from around 20 in year 1 to 42 by Year 30.

7.5 Whilst Right to Buy sales are within these estimates then there should be no problem in financing this within the business plan. However, our experience is that Right to Buy Sales are demand led and are difficult to estimate. Despite the economic uncertainty we are experiencing strong interest in Right to Buy but prospective buyers are being affected by the lack of available mortgage lending. Table 2 below illustrates the actual Right to Buys over the last 9 years:

**Table 2 RTB Profile**

Year	RTB Sales
2002.03	230
2003.04	444
2004.05	321
2005.06	232
2006.07	131
2007.08	92
2008.09	27
2009.10	12
2010.11	18

7.6 Clearly as the economy improves it is likely that demand for Right to Buy will also increase. Our concern is that unless the debt is redeemed from the receipts prior to pooling then this will make the HRA Self-Financing Plan unsustainable in the medium to longer term. Taken to a very extreme case if all stock was sold under the Right to Buy the Council would be left with an overhanging debt of around £36m.

- 7.7 The fact that we cannot settle the debt from the Council's proportion of capital receipts will also inhibit the ability to borrow to aid new development which we do not believe was the intention behind the proposals.
- 7.8 We therefore believe the principles set out in the consultation paper **do not** satisfy the aim stated in paragraph 3.2 e "rationalise and extend the provisions on capital allowance (including making the paying off of Housing Revenue account debt permissible expenditure)" as it does not allow RTB debt to be offset against proceeds prior to pooling. For the reasons outlined above we strongly believe this requires reconsideration.

We look forward to hearing from you.

Yours sincerely

R V LIVERMORE  
**ASSISTANT DIRECTOR**  
**HOUSING AND REGENERATION**

**MINUTE OF THE EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE – 29 SEPTEMBER 2011**

**38. STREAMLINING COUNCIL HOUSE ASSET MANAGEMENT - DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION**

This item was not considered at the meeting held on 29 September 2011 and will be included on the agenda for the next scheduled meeting of the Executive Overview and Scrutiny Committee (1 December 2011).



**74. STREAMLINING COUNCIL HOUSE ASSET MANAGEMENT - DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION**

Councillor Mrs Hopley introduced the report of the Borough Solicitor which advised that the Executive Overview and Scrutiny Committee at its meeting on 29 September 2011 were unable to consider the report of the Assistant Director Housing and Regeneration in respect of a consultation paper from the Department of Communities and Local Government (CLG) in respect of streamlining council house asset management and sought approval to submit a response.

Councillor Owens referred to Paragraph 7 of the response in respect of 'Consultation Question 12 – Pooling of Housing Capital Receipts' and proposed that this should be amended to take into consideration the latest guidance received.

In reaching the decision below, Cabinet considered the proposal from Councillor Owens and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the Assistant Director Housing and Regeneration amend paragraph 7 of the response, taking into account the latest guidance on pooling of Housing Capital receipts, and submit the response to the CLG before the deadline of the 17 November 2011, as set out in Appendix A to the attached report.
  - B. That the Assistant Director Housing and Regeneration consider and forward any additional comments raised by the Executive Overview and Scrutiny Committee to the CLG when the report is considered on 1 December 2011.
  - C. That call in is not appropriate for this item as the consultation deadline is 17 November 2011 and the report is being considered by Executive Overview and Scrutiny Committee on 1 December 2011.







Council Housing Capital Assets Consultation  
Department for Communities and Local  
Government  
Zone 1/H10  
Eland House  
Bressenden Place  
London  
SW1E 5DU

**Bob Livermore FCIH**  
**Executive Manager Housing and**  
**Property Maintenance Services**

**PO Box 16 - 52 Derby Street**  
**Ormskirk West Lancashire L39 2DF**  
Telephone: 01695 577177  
Website: [www.westlancls.gov.uk](http://www.westlancls.gov.uk)  
Fax: 01695 572331  
Email: [bob.livermore@westlancls.gov.uk](mailto:bob.livermore@westlancls.gov.uk)

*Date:* 17<sup>th</sup> November 2011

*Your ref:*

*Our ref:* RVL/DMcC/CC

*Please ask for:* R V Livermore

*Direct dial no:* 01695 585200

*Extension:* 5200

Dear Sir,

**RE: STREAMLINING COUNCIL HOUSING ASSET MANAGEMENT – DISPOSALS  
AND USE OF RECEIPTS - CONSULTATION**

Thank you for the opportunity to comment on the above consultation document.

We are pleased that the Housing Minister, Grant Schapps, has proposed changes that will allow councils more flexibility to trade their assets, and use the receipts to enable further investment in new homes and regenerating the local area.

We detail below our response to the questions asked in the consultation document:

**1. Consultation Question 1:**

We commend the Government in proposing to limit Secretary of State consent to dispose of housing land at market value where the disposal results in a tenant becoming the tenant of a private landlord or where the disposal is of dwelling to a wholly owned subsidiary of the local authority.

However, we have concerns that this might overly complicate or delay disposal in instances which involve only one or a few tenants particularly if this was replicated elsewhere throughout the country in cases where estate regeneration was taking place. As any disposal would be subject to consultation with tenants we would suggest that there should be a de-minimus level above which Secretary of State consent would be required.

**2. Consultation Question 2**

We could not identify other situations where the Secretary of State should provide specific consent to disposal at market value.

### **3. Consultation Question 3**

We agree with the government's proposal that local authorities should continue to have discretion to dispose of reversionary interests without Secretary of State consent.

### **4. Consultation Question 4 & 5**

A decision to dispose of land at less than market value would be determined according to business need and to assist in securing regeneration with external partners. We believe therefore that local authorities should have discretion to determine discounts applied in respect of land disposal. We believe the definition of certain specified purposes needs reviewing.

### **5 Consultation Questions 6, 7, and 8**

Whilst we appreciate the government is offering greater opportunity to sell dwellings we do have concerns over the practicalities of offering vacant dwellings for sale to existing tenants at discount. This could result in spiralling decay in some parts of less desirable estates if vacant properties in more desirable areas had to be offered up for sale and the consequential costs of not being able to relet whilst the sale went through.

### **6 Consultation Questions 9, 10 and 11**

We do not foresee any issues with what is proposed for West Lancashire Borough Council

### **7. Consultation Question 12 - Pooling of Housing capital Receipts**

7.1 Our major concern with the proposals relate to the fact that the current and proposed pooling arrangements under Right to Buy remain unchanged beyond the period of the current Spending Review up to 2015.

7.2 Under the self-financing settlement, we will take on debt associated with each individual house or flat in our possession. It is therefore essential that when we disposes of houses and flats under the Right to Buy we must have the option of clearing the debt associated with it before any form of pooling is made. This will enable the Council to maintain a healthy balance sheet for their social housing, which is vital for continued investment in housing. Both of which are being denied under the current and proposed regulations.

7.3 West Lancashire Borough Council has a portfolio of approximately 6300 dwellings, 80% of which are located in the former New Town of Skelmersdale. Based on a Radburn design of largely non-traditional construction, property values are particularly low relative to properties elsewhere in the country. Accordingly, under a Right to Buy the proceeds are relatively low. Under the current and proposed pooling arrangement the Council retained proportion of the receipt (25%) will not be enough to discharge the debt associated with the debt settlement assigned to the Council. Table 1 below based on actual sample of property sales in Skelmersdale demonstrate this point clearly:

**Table 1 Right to Buy Receipts 2010 - 2011**

Property type	Gross Value	Amount to be Pooled (after RTB discount etc)	Pooled amount for Council (25%)	Indicative Debt Settlement	Shortfall after using all Council receipts
	£'000	£'000	£'000	£'000	£'000
2 Bed Hse	75.0	49.0	12.2	15.3	3.1
3 Bed Hse	79.5	53.5	13.4	15.3	0.9
2 Bed Flat	44.7	22.3	5.6	15.3	9.7
2 Bed Hse	71.5	46.5	11.6	15.3	3.7
2 Bed Hse	49.8	26.4	6.6	15.3	8.7
3 Bed Hse	52.0	28.5	7.1	15.3	8.2
<b>Total</b>	<b>372.5</b>	<b>226.2</b>	<b>56.5</b>	<b>91.8</b>	<b>34.3</b>

7.4 Under the Government Debt Settlement model property sales are assumed to be relatively small for the lifetime of the 30 Year Business Plan rising from around 20 in year 1 to 42 by Year 30.

7.5 Whilst Right to Buy sales are within these estimates then there should be no problem in financing this within the business plan. However, our experience is that Right to Buy Sales are demand led and are difficult to estimate. Despite the economic uncertainty we are experiencing strong interest in Right to Buy but prospective buyers are being affected by the lack of available mortgage lending. Table 2 below illustrates the actual Right to Buys over the last 9 years:

**Table 2 RTB Profile**

Year	RTB Sales
2002.03	230
2003.04	444
2004.05	321
2005.06	232
2006.07	131
2007.08	92
2008.09	27
2009.10	12
2010.11	18

7.6 Clearly as the economy improves it is likely that demand for Right to Buy will also increase. Our concern is that unless the debt is redeemed from the receipts prior to pooling then this will make the HRA Self-Financing Plan unsustainable in the medium to longer term. Taken to a very extreme case if all stock was sold under the Right to Buy the Council would be left with an overhanging debt of around £36m.

- 7.7 The fact that we cannot settle the debt from the Council's proportion of capital receipts will also inhibit the ability to borrow to aid new development which we do not believe was the intention behind the proposals.
- 7.8 We therefore believe the principles set out in the consultation paper **do not** satisfy the aim stated in paragraph 3.2 e "rationalise and extend the provisions on capital allowance (including making the paying off of Housing Revenue account debt permissible expenditure)" as it does not allow RTB debt to be offset against proceeds prior to pooling. For the reasons outlined above we strongly believe this requires reconsideration.

Since the publication of the above consultation on the 2<sup>nd</sup> October, the Prime Minister announced changes to the Right to Buy. In a frequently asked questions and answers statement by your Department on the 3<sup>rd</sup> October, it was stated that the Government would ensure Councils keep the proportion of the receipt needed to cover the debt associated with any property sold to ensure that each business plan remains viable and that further details will follow as part of the Government's Housing Strategy to be published later this month. Subject to detail we welcome this clarification in policy.

We look forward to hearing from you.

Yours sincerely



**R V LIVERMORE**  
**ASSISTANT DIRECTOR**  
**HOUSING AND REGENERATION**



**AGENDA ITEM:**

**CABINET: 13 September 2011**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:**

**29 September 2011**

---

**Report of: Director of People and Places**

**Relevant Head of Service: Assistant Director Community**  
**Relevant Portfolio Holder: Councillor I Ashcroft**

**Contact for further information: Mr P Adamson (Extn. 5241)**  
**(E-mail: paul.adamson@westlancs.gov.uk)**

---

**SUBJECT: HEALTH AND SAFETY ANNUAL REPORT 2011**

---

Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To update Members on the progress made in relation to Health and Safety Management of the Council.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the Annual Health and Safety Report 2011 be noted.

2.2 That the call in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29<sup>th</sup> September 2011.

**3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

3.1 That the Annual Health and Safety Report 2011 be noted.

---

**4.0 BACKGROUND**

4.1 The Council's Health and Safety Improvement Plan was replaced in 2010 by a Health and Safety Strategic Plan.

4.2 One of the requirements of the Health and Safety Strategic Plan is that an Annual Health and Safety Report be published.

4.3 Attached as Appendix A is the first of the Annual Health and Safety Reports.

## **5.0 HEALTH AND SAFTY ANNUAL REPORT 2011**

5.1 The Annual Health and Safety Report provides an overview of the progress made towards achieving the aims of the Health and Safety Strategic Plan, which is to deliver improvements to the capacity for the Council to handle risk effectively and produce a performance management framework that will enable it to demonstrate improvements made in the management of health and safety and the contribution that it makes to the overall handling of risk and achieving of outcomes.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

6.1 The Health and Safety Annual Report 2011 is sustainable in accordance with the Community Strategy.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no significant financial and resource implications relating to the publication of the Health and Safety Annual Report 2011.

## **8.0 RISK ASSESSMENT**

8.1 The publication of the Health and Safety Annual Report 2011 reinforces the Council's commitment to provide a safe and healthy working environment for its.

---

---

### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
July 2011-08-25	Health and Safety Strategic Plan 2010/12	

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. Health and Safety Annual Report 2011.
2. Equality impact assessment.

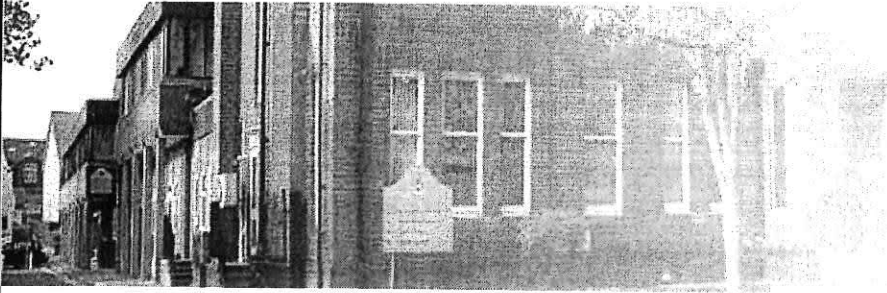


# Health & Safety Unit

# Annual Report 2011

## Health & Safety





## CONTENTS

INTRODUCTION.....	3
EXECUTIVE SUMMARY.....	4
HEALTH & SAFETY PLANNING.....	6
ADVICE & SUPPORT.....	14
HEALTH & SAFETY TRAINING.....	16
HEALTH & SAFETY COMMITTEE.....	18
CONSULTATION/TASK GROUPS.....	20
POLICIES & GUIDANCE.....	21
ACCIDENTS & INCIDENTS.....	22
ENFORCEMENT AGENCIES.....	23
FUTURE DIRECTION.....	24

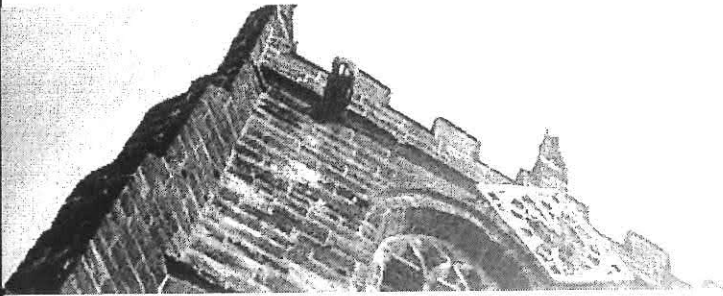
### Appendices

Appendix 1—Post training feedback analysis

Appendix 2—Health and Safety Performance Standards

Appendix 3—Accident / incident statistics





## INTRODUCTION

This has been the first full year of our new Health and Safety Strategy. Much progress has been made towards meeting the six strategic objectives set down within the plan and we believe that we are continuing to be amongst the best performing council's in the country with regard to the management of workplace Health and Safety. Much credit for this is of course due to staff and management meeting the challenge of their responsibilities and it is encouraging that there has been so much support for the new strategy from all sides of the council.

The council has also sought during the year to reinforce the message that we are in the business of providing a safe and healthy environment for all employees, contractors and visitors. We have no interest in implementing unnecessary bureaucratic regulation and interference. West Lancashire Borough Council is a pragmatic organisation with regard to the management of Health and Safety at work and our intention is to support management and staff and to strive to continually improve our own efficiency and effectiveness.

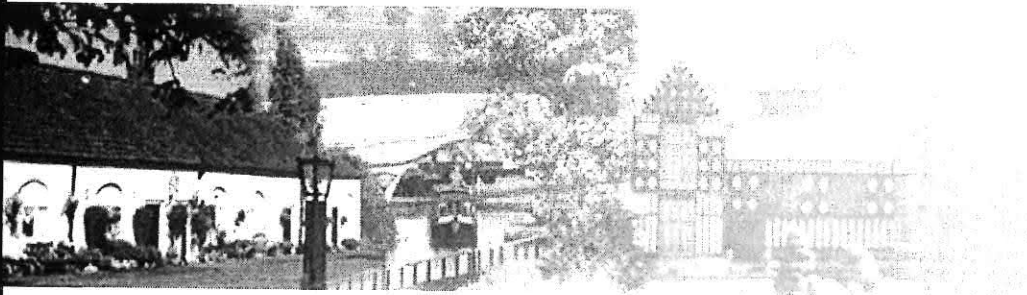
There is however no basis for complacency. We must continue to maintain health and safety standards, not least as we emerge from a period of organisational change.

Our strategy's general emphasis on the need for leadership, competence and worker involvement has particular relevance at this time.

Finally, I would wish to put on record our thanks to the members of the council for their commitment and energy and to our own staff who, at every level, make such an important contribution to protecting their fellow workers.

Councillor Iain Ashcroft  
Portfolio Holder  
Public Realm and Human Resources





## EXECUTIVE SUMMARY

There have been a number of issues the Council has tackled during the period under review. The Council utilises annual Health and Safety plans to identify priorities and provide focus.

The most significant development is the development of the Council's Health and Safety Strategic Plan. The Health and Safety Strategy has at its heart the concepts of Sensible Health and Safety. Being "risk aware, not risk averse" is built into the Council's whole approach to managing risk in all aspects of its service provision. Sensible Health and Safety awareness will be key in ensuring that managers can deliver on their service priorities whilst ensuring the risks are managed in a sensible, proportionate and legal way.

The Strategy supports the implementation of the Corporate Health and Safety Policy. It provides the direction for improvement of Health and Safety performance across all areas of the Council's activities.

The aims of the Strategy are to deliver improvements to the capacity of the Council to handle risk effectively and produce a performance management framework. This will enable it to demonstrate improvements made in the management of Health and Safety and the contribution that it makes to the overall handling of risk and achieving of outcomes.

A vital ingredient of the new Health and Safety Strategic Plan is the Health and Safety training programme which is being implemented.

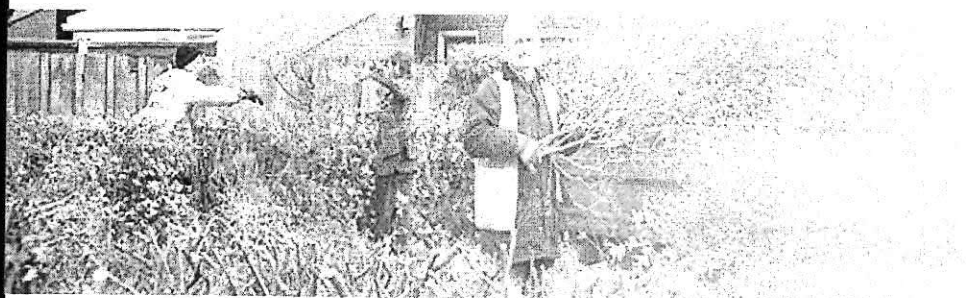
One of the fundamental requirements of the Health and Safety at Work etc Act 1974 is that all employees should be adequately trained for the work which they carry out.

Staff must be provided with sufficient Health and Safety information, instruction and training to ensure they are aware of the hazards in the workplace and know what safe working procedures to follow to reduce the risk of injury or work-related ill health.

Training is also essential to raise the level of staff awareness of Council Health and Safety

policies, procedures and practices, to ensure their effective implementation.

Most training is provided 'on-the-job'. Health and safety should form an integral part of the ongoing instruction and supervision of Staff. To supplement local training, a centrally organised programme of Health and Safety training is provided by the Council Health & Safety Unit.



## HEALTH & SAFETY STRATEGIC PLAN

Planning is a crucial part of any organisation's Strategy for progress and forward thinking. Without planning there is no direction or emphasis. Health and Safety is a subject that requires planning to enable priorities to be identified and progress monitored.

The strategic plan was designed following the guidance set out in HSG 65 and BS 8800, to set specific, measurable and realistic objectives for developing, maintaining and improving proactive Health and Safety management systems across all the Council's activities.

The Health and Safety Strategy has at its heart the concepts of sensible Health and Safety. Being "risk aware, not risk averse" is built into the Council's whole approach to managing risk in all aspects of its service provision. Sensible Health and Safety awareness is key in ensuring that managers can deliver on their service priorities whilst ensuring the risks are managed in a sensible, proportionate and legal way.

The Strategy supports the implementation of the Corporate Health and Safety Policy. It provides the direction for improvement of Health and Safety performance across all areas of the Council's activities. Services will include, within their own Service Health and Safety Plans, their contribution to meeting this Strategy.

The aims of the Strategy is to deliver improvements to the capacity for the Council to handle risk effectively and produce a performance management framework that will enable it to demonstrate improvements made in the management of Health and Safety and the contribution that it makes to the overall handling of risk and achieving of outcomes.

The Health and Safety Strategic Plan has six strategic occupational Health and Safety objectives:

1. To build "Sensible Health and Safety" in to the Council's Health and Safety culture;

2. To ensure that the Council is a “learning” organisation by improving the way Health and Safety incidents are recorded, investigated and how lessons learnt from internal and external organisations are communicated;
3. To improve the way that Health and Safety performance is measured and monitored;
4. To develop leadership skills for managers that improves Health and Safety performance;
5. To ensure that all people involved in delivery of the Council services have the appropriate levels of competency to address their Health and Safety responsibilities;
6. To ensure that where the Council contracts out work to other organisations or works in partnership with other organisations the occupational Health and Safety risks are properly and satisfactorily addressed.

Each of the strategic objectives has a number of key result areas as detailed as on the following pages:

**Strategic Objective 1: To build "Sensible Health and Safety" in to the Council's Health and Safety culture.**

*Key Result 1: To raise the awareness of what sensible Health and Safety consists of.*

*Key Result 2: To ensure that adequate safety management systems are implemented at all levels within the organisation and that all parts of the organisation are meeting their statutory obligations.*

*Key Result 3: Ensure all appropriate staff receives information, instruction and training in Health and Safety procedures.*

*Key Result 4: Review current legislation and or any research to ensure policies/procedures are up to date.*

*Key Result 5: Ensure the effective use of risk assessments and they reflect best practice.*

*Key Result 6: Review all generic risk assessments contained in the Risk Assessment Policy.*

*Key Result 7: Maintain a programme of in-house communication for Health and Safety.*

**Strategic Objective 2: To ensure that the Council is a "learning" organisation by improving the way Health and Safety incidents are recorded, investigated and how lessons learnt from internal and external organisations are communicated.**

*Key Result 8: To provide improved ways to enable staff to report any safety related incidents to their manager, improve the number of incidents investigated and improve the quality of the investigations undertaken.*

*Key Result 9: To develop ways in which any useful lessons learnt either from other Services or external organisations are communicated to managers within a Directorate and to other Services so that the maximum value is obtained and safety performance improved.*

**Strategic Objective 3: To improve the way that Health and Safety performance is measured and monitored.**

*Key Result 10: To identify key areas of Health and Safety performance.*

*Key Result 11: To identify the most effective and meaningful data, both reactive and proactive*

*Key Result 12: To measure the performance.*

*Key Result 13: To ensure that the data is used as part of the planning process to improve Health and Safety performance further.*

*Key Result 14: To develop a consistent approach to auditing within and across Services, focusing on those key areas that influence improvements in Health and Safety performance.*

*Key Result 15: To measure the safety management systems adopted at all levels of the Council against the HSE's Successful Health and Safety Management Guidance HSG 65.*

*Key Result 16: As part of a "learning organisation" to establish effective benchmarking with other similar organisations where appropriate.*

**Strategic Objective 4: To develop leadership skills for managers that improves health and safety performance.**

*Key Result 17: To identify what good leadership in health and safety looks like, and, working with trainers and lead managers, communicate this to managers as part of the leadership competencies drive.*

*Key Result 18: Ensure that health and safety leadership skills and actions are developed for senior managers who operate at a strategic and policy level, for middle managers who operate at a planning and objective setting level and managers who operate at the service delivery or implementation level.*

**Strategic Objective 5: To ensure that all people involved in delivery of the Council services have the appropriate levels of competency to address their Health and Safety responsibilities.**

*Key Result 19: To ensure that all individuals, including elected members, senior managers, employees, volunteers and contractors/partners who help deliver the services have the level of competency to complete their role safely without causing unnecessary risk to others who could be affected.*

*Key Result 20: To ensure that any training or development necessary to achieve this is identified, quantified, planned and resourced to ensure that success in this aim is delivered*

**Strategic Objective 6: To ensure that where the Council contracts out work to other organisations or works in partnership with other organisations the occupational Health and Safety risks are properly and satisfactorily addressed.**

*Key Result 21: To ensure that where the Council supports activities undertaken by others, consideration of the adequacy of Health and Safety arrangements will be part of the process in selecting projects to support.*

*Key Result 22: To ensure that all work undertaken by or on behalf of the Council (or where activities are led or supported by the Council) that these are undertaken with appropriate levels of Health and Safety built in. The Council will need to ensure that all contract and partnership documentation adequately addresses Health and Safety performance and suitable monitoring arrangements are established to ensure the level of performance required is met.*

Monitoring the progress of the Health and Safety Strategic Plan is undertaken via the Health and Safety Committee with regular reports to the Cabinet and the Councils Management Team. It is crucial for the success of the plan that identified priorities are realistic, achievable and can be discharged within the allocated time and resources.

Excellent progress has been made towards achieving the objectives of the Health and Safety Strategic plan. The plan is continually reviewed to reflect the dynamic nature of Health and Safety management and the demands of the organisation. Some priority changes have inevitably been made but the overall objective of the plan has been maintained.

The following has been achieved over the past year against the objectives set by the Health and Safety Strategic Plan:

A bespoke Health and Safety training programme for managers has been developed in collaboration with EDP health, safety and environment consultants. This training course has been specifically designed for West Lancashire Borough Council Managers to assist them in the discharge of their Health and Safety responsibilities.

The course is designed to give delegates an awareness and understanding of what arrangements are required to ensure the safety of the work area/activity being managed, the importance of having these particular arrangements in place and how to ensure that any such arrangements are being carried out in practice.

The original intention was to have a course duration of one day. But after an initial pilot course it was decided that a different approach would be more productive and beneficial to staff. The basic structure of the course will remain but we will be adopting a blended learning approach, by this we mean a split between e-learning techniques and tutor led sessions. The general content will consist of nine module, five of which will be core modules and the remaining four will depend upon the nature of the work the manager is engaged in.

The Health and Safety Unit produces a quarterly Health and Safety newsletter for all staff, this covers a wide range of subject areas and has in general received positive feedback from readers.

The introduction of a Health and Safety Gateway on the Council Intranet several years ago has proved very successful. This resource is regularly updated to keep the information relevant and fresh. It is expected that the growth of the Health and Safety gateway as an important information resource for staff will continue in the coming year.

A full and comprehensive Health and Safety training programme was introduced toward the end of the year, the programme content being gleaned from the results of the recent training



needs analysis initiative and the annual staff appraisal programme.

The initial take up for places was very encouraging with some subject areas being over subscribed resulting in additional courses being added to the calendar.

A full and comprehensive Health and Safety management audit programme has been developed, this is an enhancement of the audit system that was introduced a number of years ago and is designed to help section managers implement the requirements of the Councils Health and Safety management system.

Considerable efforts have been made to make all the Council's Health and Safety documentation available electronically via the intranet based Health and Safety gateway, this is an ongoing project.

A series of focused Health and Safety risk management training briefs have been introduced which introduce/remind staff of the Councils approach to task based risk assessment. These training sessions last around two hours and have proved very popular.

A programme of rolling reviews of all the workplace Health and Safety legislation that affects the Council and its operations has been implemented, this programme includes consultation with managers and employee representatives.

A managers risk assessment pack has been developed and will be introduced in the new year.

The risk assessment review procedure requires managers to carry out regular review of the suitability of the risk assessments that are relevant to their sphere of operations, as part of the Health and Safety training programme we have introduced a specific training element that helps staff ensure that they are aware of appropriate documentation and how to use it during the risk assessment review.

The Health and Safety Unit have implemented strategies to increase awareness for staff of the Health and Safety gateway intranet web-pages.

The members of the central Health and Safety Committee have given an undertaking to cascade information from the Committee to all appropriate staff.

A system of Health and Safety email alerts has been introduced targeted at senior managers within the Council, it is planned to expand this to other employee groups during the coming year. The email alerts will be targeted by employee/work activity types as well as a more general alert depending upon the nature of the information.

The Health and Safety Unit has developed an employee Health and Safety training matrix to enable quick and easy identification of the Health and Safety training needs of specific job types. This matrix although effective needs further refinement before it is released to managers.

The development of systems to assist in the measurement of Health and Safety performance has progressed well during the year, various means of benchmarking performance against other similar local government organisations has taken place but no appropriate means has so far been adopted. We have therefore adopted an internal system which looks at the accident/incident data as well as the risk assessment programme. We have also started to implement an active database of potential risks related to work activity/project categories.

The Health and Safety Unit has started work on the development of a Health and Safety Competency framework base on Knowledge, skills and experience. This is designed to look at each job within the Council and establish key Health and Safety competencies required to effectively carry out that role. These key competencies will then be check against those of the post holder and any gaps will be addressed. This will ensure that all people involved in delivery of the Council services have the appropriate levels of competency to address their Health and Safety responsibilities.

Significant progress has been made in our challenge to ensure that Health and Safety leadership skills and actions are developed for senior managers who operate at a strategic and policy level, for middle managers who operate at a planning and objective setting level and managers who operate at the service delivery or implementation level.

A Health and Safety briefing session was held for elected members and a specific members area has bee set up on the Health and Safety gateway.

It is planned that all elected members to be offered training as suggested in the IOSH guide "Think about health and Safety, What elected members of local authorities need to know".

Our concentration on the provision of Health and Safety information and training has been designed to ensure that all individuals, including elected members, senior managers, employees, volunteers and contractors/partners who help deliver the services have the level of competency to complete their role safely without causing unnecessary risk to others who could be affected.

The development of our Health and Safety training programme has ensured that any training or development necessary is identified, quantified, planned and resourced to ensure that successful delivery our the Councils Health and Safety management aims and objectives.

In order to ensure that where the Council contracts out work to other organisations or works in partnership with other organisations the occupational Health and Safety risks are properly and satisfactorily addressed the Health and Safety Unit have implemented a revised contractor evaluation procedure which ensures that where the Council supports activities undertaken by others, consideration of the adequacy of Health and Safety arrangements will be part of the process in selecting projects to support and ensure that all work undertaken by or on behalf of the Council (or where activities are led or supported by the Council) that these are undertaken with appropriate levels of Health and Safety built in.

The evaluation process ensures that all contract and partnership documentation adequately addresses Health and Safety performance and that suitable monitoring arrangements are established to ensure the level of performance required is met.



## ADVICE & SUPPORT

The primary Health and Safety advice resource for the Council is provided by the Health and Safety Unit. The Unit advises on all aspects of Health and Safety at work for staff.

The recent restructuring of the Unit has enabled and improved support and advice service to Services. The Unit continues to provide support and advice to managers, supervisors and staff.

The health and Safety Unit consists of two members of staff, the Health and Safety Manager and the Health and Safety Officer/Trainer.

The Unit's core work involves:

- The provision of advice and support
- Health and safety management audits
- Safety inspections
- Accident investigations
- Assessing new and proposed Health and Safety legislation and its impact on the Council.
- Consulting on Health and Safety policies and procedures
- Attending relevant meetings and Committees
- Development and circulation of guidance on a variety of Health and Safety related subjects
- Provision of statistics and appropriate reports for Committees, local site Health and Safety panels and task groups
- Administration of the Council's first aid facilities
- Administration of the DSE eye care scheme.
- Health and safety training
- Supporting Service Safety Coordinators.

Although the Health & Safety Unit strives to meet all the demands placed upon it there is no substitute for day to day advice and support from within a Service.

Therefore a bespoke training course has been developed for managers to enable them to deal with the day to day Health and Safety management of their Services. This training course has been developed in collaboration with EDP Health Safety & Environment Consultants and is specifically designed for West Lancashire Borough Council Managers.

The course consist of nine module, five of which will be core modules and the remaining four will depend upon the nature of the work the manager is engaged in and is designed to give managers an awareness and understanding of:

- What arrangements are required to ensure the safety of the section being managed
- The importance of having these particular arrangements in place
- How to ensure arrangements are being carried out in practice
- "What do I need to know?"
- "Why do I need to do it?"

The courses are scheduled to commence in September 2011 and will initially be available to all section managers within the Council.

This course will enable managers to provide extra support at Service level for the advisory element of the Health and Safety management system.

Additional Health and Safety information and advice can be access via the Council intranet Health and Safety gateway, this resource provides staff with easy access to hundreds of Health and Safety related documents.

The Health and Safety gateway facility is designed and maintained by the staff within the Health and Safety Unit.



## HEALTH & SAFETY TRAINING

One of the fundamental requirements of the Health and Safety at Work etc Act 1974 is that all employees should be adequately trained for the work which they carry out.

Staff must be provided with sufficient Health and Safety information, instruction and training to ensure they are aware of the hazards in the workplace and know what safe working procedures to follow to reduce the risk of injury or work-related ill health.

Training is also essential to raise the level of staff awareness of Council Health and Safety policies, procedures and practices, to ensure their effective implementation.

Most training is provided 'on-the-job'. Health and safety should form an integral part of the ongoing instruction and supervision of Staff. To supplement local training, a centrally organised programme of Health and Safety training is provided by the Council's Health & Safety Unit.

The courses are run throughout the year and are available to all staff. The demand for courses has remained high during the year. A number of the courses are in support of the Council's statutory Health and Safety obligations.

As a result of the restructure of the Health and Safety Unit the Health and Safety training programme was implemented late in the financial year, nevertheless course development and facilitation has progressed well.

A series of in house training sessions relating to a number of Health and Safety aspects has been delivered since January 2011. These have addressed :

- Fire Safety Awareness
- Asbestos Awareness
- General Risk Assessment

- DSE Assessor requirements
- General Health and Safety awareness

Other training addressing :

- Managing of contractors
- Safe use of ladders
- Control of Substances Hazardous to Health
- Violence and Aggression Awareness

has been prepared and is available for delivery as required.

Sessions are usually for 8-10 persons and over one hundred person training sessions have been delivered.

Training Assessment forms have been collated and a review of these indicates that the sessions are of appropriate time duration, adequately meet the required training level and have been well presented.

The necessity or desire for additional training has been identified both by course participants and by the tutor.

An externally run courses for First Aid at Work was also arranged along with a pilot course intended to provide staff with Health and Safety managerial roles with basic knowledge of eight principle issues. The feed back for these courses is such that the suitability of the course providers will be further assessed. The First Aid at Work course requires delivery and certification by Health and Safety Executive approved bodies only.

In order to meet legislative requirements an additional First Aid at Work course has been arranged and the in house Managing of Contractors training has also been scheduled for delivery in May.

Costs of the delivery of in house courses have been covered by normal staff costs of the Health and Safety Unit and by the release of participants from their normal duties to attend training.

The Health and Safety at Work etc. Act and The Management of Health and Safety Regulations indicate the need for appropriate workplace training and suitable refresher courses. Refresher courses are normally at 2 to 3 year intervals unless mandatory requirements are otherwise imposed.

The analysis of post training feedback is attached as appendix 1.



## HEALTH & SAFETY COMMITTEE

The Council Health and Safety Committee is formed under statute and is the principal consultation forum on Health and Safety within the Council.

The Committee meets approximately every eight weeks and is presently chaired by the Council's Chief Executive Officer.

A new constitution was introduced during the year covered by this report, the main changes reinforced the aims and objectives of the Committee, i.e. to work towards the creation of a workplace environment that secures the Health and Safety of all persons working for and on behalf of West Lancashire Borough Council and to promote and contribute to the safety of all persons entering onto the Council's premises for whatever reason.

The Committee assists and provides support in the monitoring and progression of the Council's Health and Safety Strategic Plan.

The Committee has a pivotal role in the establishment of a Health and Safety culture, throughout the Council that contributes to all aspects of service provision.

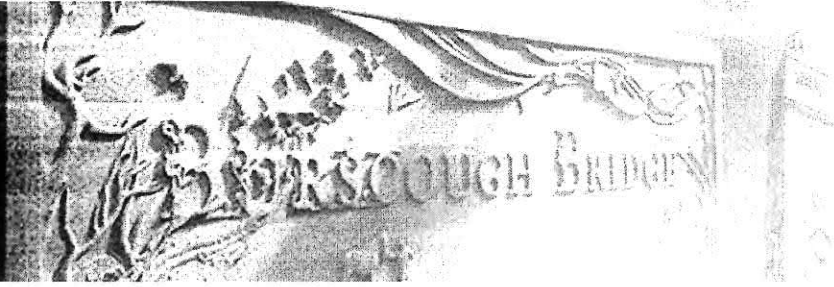
The main functions of the Committee are:

- To receive and review all Health and Safety policies and procedures.
- To support each Service and running of Service strategies and Service action plans.
- To review, monitor, promote and agree safety rules, safe systems of work and as required Service safety manuals.
- To represent to Directors/Council Members the effectiveness of health,



- safety and welfare strategies, gain their understanding and use by employees.
- To promote, sponsor, and encourage Health and Safety training throughout the Council and report on its effectiveness to senior management.
  - To ensure that an appropriate trade union safety representative is invited to accompany Service managers when Health and Safety monitoring visits are carried out.
  - To review the outcomes of safety inspections and the content of the Health and Safety Units unannounced inspections making recommendations and representations to others as required.
  - To encourage and support the principles of Occupational Health throughout the Council and any related health surveillance programmes.
  - To keep adequate records of all proceedings, decisions and activities of the Committee and to produce an annual report for Senior Management

Services are required to have strategic and individual arrangements for assuring effective Health and Safety management within their own service which should feed back into the Health and Safety Committee structure.

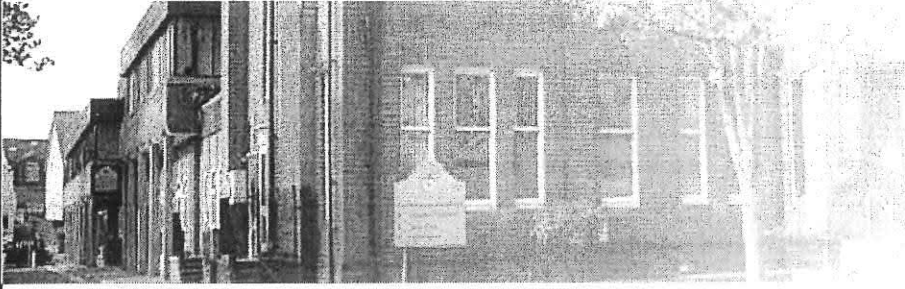


## CONSULTATION/H&S TASK GROUPS

The Council has an extensive consultation framework in respect of Health and Safety. Apart from the main Health and Safety Committee most Council Services have a Service Health and Safety Committee. These Committees deal with local Health and Safety issues and provide staff and managers with an opportunity to discuss and resolve Health and Safety related issues.

From time to time H&S task groups are formed to deal with specific subjects that require more additional thought and consideration. Health and Safety task groups can ensure that the Council receives good quality practical advice on meeting its statutory obligations that utilises the available resources in the right way. No specific task groups were established during the period under consideration by this report.

Consultation with staff side representation on significant issues has taken place either in Section Health and Safety meetings or at the Corporate Health and Safety Committee meeting.



## POLICIES & GUIDANCE

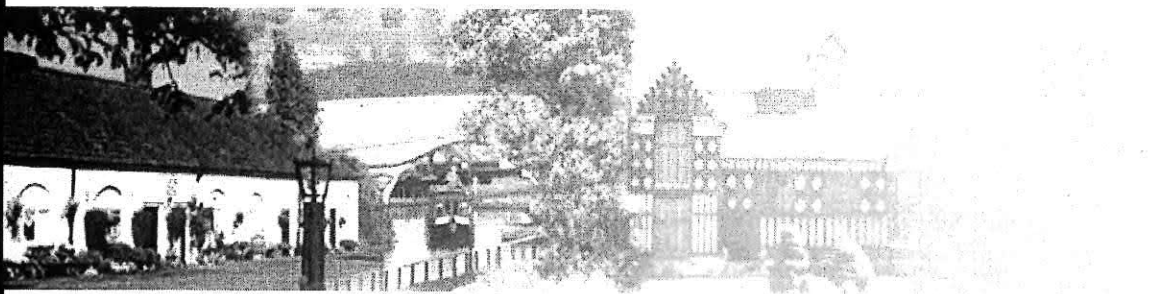
The Council Health and Safety policy was updated to reflect the changes made in the management structure as a result of the organisational downsizing exercise that took place during the year under consideration.

The Health and Safety Policy is supported by a number of health and Safety Performance Standards, (HSPF's) these contains specific duties and responsibilities and includes all the relevant guidance and advice notes relevant to the Council's work. The HSPF's will be updated periodically to maintain its relevance to the Council's operations and structure.

All the above documents are available on the Health and Safety Gateway.

There are currently over 50 Council guidance and advice notes available on a variety of Health and Safety and safety related subjects. These guidance and advice notes provide managers and staff with practical advice that can be implemented at Council and Service levels. The Health and Safety Unit are currently reviewing all the guidance and advice notes.

An outline of the new guidance notes that emerged during period under consideration by this report are attached as appendix 2.



## ACCIDENTS & INCIDENTS

The Council is required by statute to record and maintain records of accidents that occur in connection with its work. Accident reports are compiled for submission and scrutiny by the Council Health and Safety Committee.

The accident reporting and recording system was improved by the introduction of a revised accident report form. This form was designed to meet the requirements of the HSE and the Council public and employee liability insurers.

### Accident Statistics

The total number of accident reports received by the Health and Safety Unit for the period 1st April 2010 to 31st March 2011 stands at 39, for the same period last year, i.e. 1st April 2009 to 31st March 2010 the number received was 54.

When considering the number of accidents/incidents that are required to be reported to the Health and Safety Executive of the 39 reports received 5 were classified as over three day reportable and one was classified as a major injury, details of these accidents/incidents are included at the end of this section. For the same period the previous year of the 54 accident/incident reports received 6 were classified as over three day reportable.

All the reportable incidents have occurred within the Street Scene Services for both periods under consideration.

A detailed accident and incident analysis is attached as Appendix 3.



## ENFORCEMENT AGENCIES

The Council is a large regional employer and is subject to a substantial number of statutory regulations. Therefore it is not uncommon for the Council to be the subject of visits and inspections by a number of enforcement agencies. Relations with enforcement agencies remain good and no enforcement action was taken during the 2010/11 year.

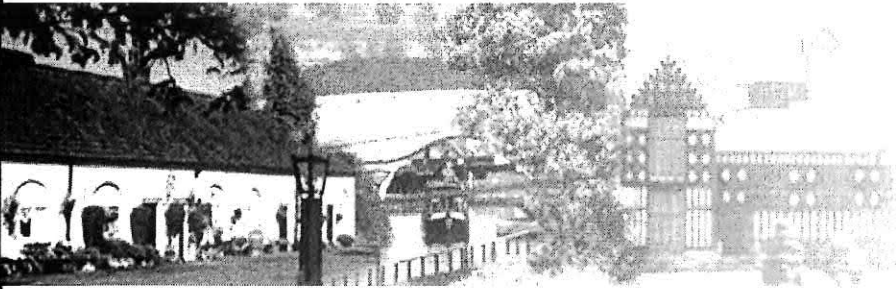
The following summarises the visits to the Council by relevant enforcement bodies during the period under review.

### **Fire Authorities**

The above services undertook routine inspections on our sheltered accommodation and the common areas of our flats.

### **Health and Safety Executive**

The Health and Safety Executive (HSE) visited the Council on one occasion during the period under review. This visit was to Street Scene Services to review the refuse and recycling service. The inspectors met with the Assistant Director Street Scene Services and the Chief Executive.



## FUTURE DIRECTION

It is important to acknowledge that significant advances have been made in recent years to the standards of Health and Safety expected and delivered in the Council. The concept of risk assessment, for example, which is central to today's approach to managing Health and Safety at work, is now firmly embedded in the organisation. More generally, in the last decade the number of work-related injuries reported to HSE has fallen. There is, however, clearly still much more to be achieved. Whilst reported work-related injuries have fallen significantly over the last 10 years, we still had 1 major injury and 4 other injuries reported in 2010/11. We need to acknowledge and build on those things that are working well for us. This includes our:

- approach to risk assessment;
- comprehensive and supportive system of information and advice;
- teams of highly dedicated and professional staff and their desire to work together to achieve common goals.

Conversely, we also need to recognise and address those areas we to make some degree of improvement in. These areas include:

- leadership;
- the negative perception of Health and Safety;
- the need to fully embrace the concept that good Health and Safety management is good business.

We want West Lancashire Borough Council to be:

*"A place where the sensible control of work-related risk is the norm and work-related injuries and ill health are the exception."*

We must therefore make every effort:

*"To further reduce the number of work-related injuries and cases of ill health in West Lancashire Borough Council."*

We will achieve this by focusing on the core aspects of workplace Health and Safety thereby promoting sensible and proportionate risk management by all.

### **Working together**

The Health and Safety Unit and the various Services across the Authority will work together to ensure the most efficient use of collective resources and in doing so ensure that those responsible manage their workplaces in a way that protects workers and others affected by work activities.

To achieve more efficient use of resources the Health and Safety Unit and Services will work together in innovative ways to overcome the challenges presented by the various Act and Regulations and Orders made under such Acts and Regulations that at any time affect workplace Health, Safety and Welfare.

The challenge is for the Health and Safety Unit and Services to work together to create a flexible, proactive and responsive system that can deal effectively with current and future Health and Safety challenges.

Public services have undergone, and continue to undergo, significant structural changes as part of the ongoing review of public administration. Health and Safety Unit and Services will embrace the opportunities and challenges brought about by these changes.

### **Sensible risk management**

Health and safety management has often been misused and misunderstood. There is a need to refocus efforts to make sure that those who create risks properly understand and control them. The development of Health and Safety competence is critical to establishing a culture within the Council that is focused on controlling risk.

In developing this competence, we will need to focus our efforts on the areas of greatest concern. Competent managers will have an understanding of the true meaning of Health and Safety and will ensure that efforts are directed to tackle the risks which occur most often and have the most serious consequences.

Effective Health and Safety management involves a balance between risk and cost and this is incorporated into Health and Safety legislation by the concept of the phrase "so far as is reasonably practicable". This concept continues to have relevance and requires a culture

--

change within organisations so that every person understands their role in ensuring good Health and Safety.

We will target work sectors and vulnerable groups involved in high-risk activities, by identifying and working with managers to improve intelligence and develop new approaches to improving compliance.

Integral to this approach will be the development of effective communication initiatives to raise awareness, provide information and engage with managers, to encourage continuous progress towards best practise. This will be underpinned by appropriate inspection activities to ensure compliance with minimum legal standards.

We will also promote appropriate risk management and good working practices and explore how we can become more effective at promoting the proactive management of workplace .

#### **Building capacity**

We will continue to channel a significant proportion of our resources towards informing and advising managers of what is expected of them and what they need to do to comply with the legislation.

We currently provide advice and support services aimed at addressing the barriers faced managers in managing workplace Health and Safety.

We need to explore ways of ensuring that managers understand their own specific Health and Safety needs and when and who to turn to for competent help and advice.

#### **Vulnerable groups**

Assist in highlighting the needs of vulnerable groups to ensure that their needs are recognised and managed within the workplace.

We recognise that our workforce is becoming increasingly diverse in nature. This could be due to an increase in disability, gender or age related issues and we need to assess and manage the particular risks associated with vulnerable individuals and groups of workers.

Vulnerable worker(s) is a term which can be used to describe an individual or a group of workers who may be at an increased Health and Safety risk in the workplace due to their specific needs. This could be an inability to speak or understand English, having a disability, being a younger, an inexperienced or older worker, an agency or temporary worker, or for a gender based reason such as pregnancy.

While this is not an exhaustive list, it is clearly recognised that risk assessments should



address the specific needs of such workers to ensure that they are appropriately protected. Worker involvement is an essential element of these risk assessments.

We need to work with other organisations of a similar nature to ensure an effective network for learning and sharing of good practice on key aspects of workplace Health and Safety.

### **Leadership**

The overriding aim of our Health and Safety Strategy is to prevent the death, injury and ill health of those affected by work activities. Its essence is that everyone adopts a sharper focus on the priorities and takes a leadership role in addressing their responsibilities. This is also underpinned by our commitment to maintain and develop a Health and Safety culture that leads by example and encourages respect for Health and Safety as an integral part of a modern, competitive public sector.

We will encourage leadership within the workplace, ensuring that managers take ownership of risk and accept responsibility for managing it.

### **The role of others**

We need everyone to play their part in delivering improved standards of performance in Health and Safety because, ultimately, it is the delivery of our Health and Safety Strategy that will count.

The Council's senior management, play an influential role in raising Health and Safety capabilities within the Council. They provide the leadership and the framework in the workplace within which effective Health and Safety management can thrive and they set the tone for the Health and Safety culture of the Council. They decide on the importance of Health and Safety outcomes relative to other business outcomes and establish clear performance indicators for Health and Safety.

Workers are often the ones who are most exposed to workplace risks and their active participation in Health and Safety matters at the workplace is therefore critical. While employers have a duty to provide their employees with adequate training and protection against workplace hazards, workers have a duty to care for their own Health and Safety and for others who may be affected by their actions. Workers should always ensure that they understand and abide by the proper Health and Safety procedures. Workplace research provides evidence to suggest that involving workers, whether they belong to a union or not, has a positive effect on Health and Safety performance. Worker involvement is fundamental to good Health and Safety performance and, therefore, to good business.

Our purpose in developing our Health and Safety Strategy is to achieve a safer and healthier

working environment for everyone in West Lancashire Borough Council in a cost effective, customer focused and holistic way. We are committed to directing our energies and resources to the achievement of the strategic goals outlined in our Health and Safety Strategic Plan and, in doing so, are prepared to be held accountable for our performance.

In order to achieve the strategic goals, we will plan together at strategic and operational levels to maximise our impact in improving Health and Safety outcomes. We will seek opportunities to enhance our capacity through the delivery of common services, the utilisation of resources, systems and expertise from other organisations, and by adopting best practice and seeking to enhance support, we will provide a better level of service.

Success is about working in a closer partnership which can make a real and sustainable difference and provide value for money. It will involve the Health and Safety Unit and Services working closer together to drive forward improvements in workplace Health and Safety, to deliver protection from risks and to ensure that those who fail in their Health and Safety duties are held to account. At the same time, it will also involve leading by example and working with others to support the inclusion of Health and Safety in priorities and strategies related to health, work and wellbeing.

Ultimately this will support a reduction in the number of work-related injuries and cases of ill health throughout West Lancashire Borough Council.

West Lancashire Borough Council  
Health and Safety Unit  
April 2011

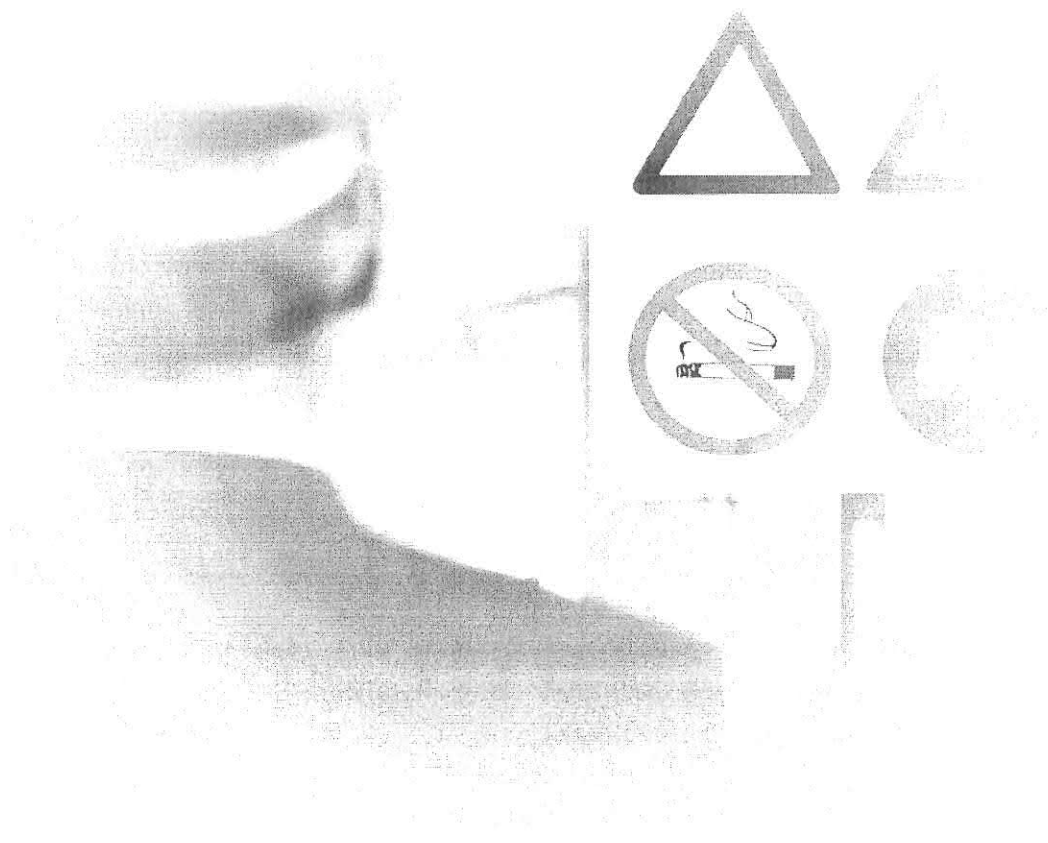


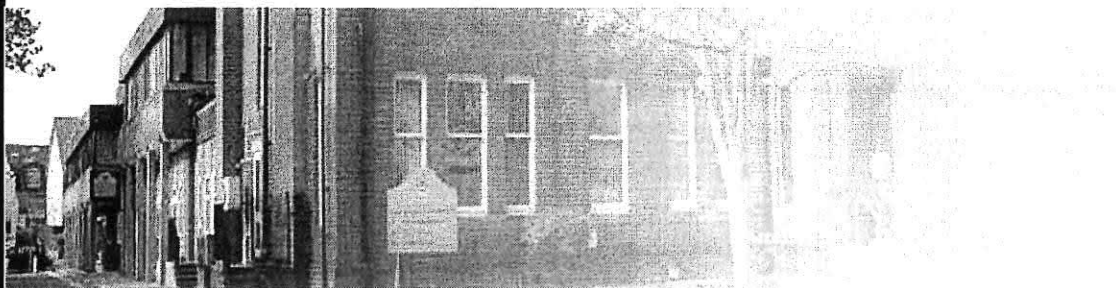
# Health & Safety Unit

Annual Report 2011

# Appendix 2

## Health & Safety Performance Standards





## **POLICIES & GUIDANCE**

### **HSPS01- Accident Investigation**

This Health and Safety Performance Standard outlines the investigation procedures which are to be adopted when any accident, ill health, near miss or dangerous occurrence occurs.

### **HSPS02 - Accident Reporting**

This Health and Safety Performance Standard outlines the procedures that are to be adopted when any employee, visitor or contractor experiences an accident, near miss or dangerous occurrence on the West Lancashire Borough Council premises during the course of their employment. This will also apply to visitors who are members of the public and are therefore not at work.

### **HSPS03 - Confined Spaces**

This Health and Safety Performance Standard outlines the procedures to secure the health and safety of employees, or contractors, who are required to enter into confined spaces.

### **HSPS04 - Control of Substances Hazardous to Health**

This Health and Safety Performance Standard outlines the procedures to be adopted when dealing with hazardous substances.

### **HSPS05 - Electricity**

This Health and Safety Performance Standard outlines the procedures to secure the health and safety of employees who use, operate or maintain electrical equipment.

### **HSPS06 - Flammable and Explosives**

This Health and Safety Performance Standard outlines the procedures to secure the health and safety of employees or contractors required to store, handle, use or transport flammables or explosives in the workplace.

**HSPS07 - Health and Safety Auditing**

This Health and Safety Performance Standard outlines the procedures adopted to continually improving the arrangements for ensuring the health, safety and welfare of employees, so far as is reasonably practicable.

**HSPS08 - Homeworking**

This Health and Safety Performance Standard outlines the procedures to ensuring the health, safety and welfare of homeworkers and those affected by homeworking as far as is reasonably practicable.

**HSPS09 - Hot Work**

The purpose of this Health and Safety Performance Standard is to provide information to all employees regarding safety when carrying out welding or hot cutting operations.

**HSPS10 - Health and Safety Induction Training**

This Health and Safety Performance Standard outlines the procedures for the provision of health and safety induction training.

**HSPS11 - Local Exhaust Ventilation**

This Health and Safety Performance Standard outlines the procedures to be adopted where local exhaust ventilation (LEV) systems are used to control worker exposure to hazardous substances.

**HSPS12 - Lifts and Lifting Equipment**

The purpose of this Health and Safety Performance Standard is to provide information for all employees on the legal requirements

**HSPS13 - Machinery Maintenance**

This Health and Safety Performance Standard outlines the procedures for maintaining machinery as well as the safety of those affected by the maintenance work.

**HSPS14 - Manual Handling**

This Health and Safety Performance Standard is intended to reduce the risk of manual handling injuries and provide guidance on the measures that should be taken to ensure safe lifting and carrying.

**HSPS15 - Mobile Workers**

This Health and Safety Performance Standard outlines the procedures for staff working away from the main premises and are, as such, without close or direct supervision.

**HSPS16 - New and Expectant Mothers**

This Health and Safety Performance Standard aims to reduce any identified risks to new and expectant mothers and provide guidance on specific control measures required to protect them.

**HSPS17 - Noise**

This Health and Safety Performance Standard outlines the procedures to ensure that the risk of hearing damage to employees is controlled.

**HSPS18 - Permits to work**

This Health and Safety Performance Standard outlines the procedures for permit to work systems.

**HSPS19 - Hours of Work**

This Health and Safety Performance Standard outlines the procedures to ensure that tasks and operations can be carried out without unreasonable demands being made on the time of the employee.

**HSPS20 - Personal Protective Equipment**

This Health and Safety Performance Standard outlines the procedures for the provision of personal protective equipment (PPE) when the risk presented by a work activity cannot be eliminated or adequately controlled by other means.

**HSPS21 - Pressure Systems**

The purpose of this Health and Safety Performance Standard is to provide information for all employees on the statutory requirements under the Pressure Systems Safety Regulations 2000.

**HSPS22 - Risk Assessment**

This Health and Safety Performance Standard is intended to reduce risks to the health and safety of employees and others who may be affected by the way in which we conduct our business.

**HSPS23 - Respiratory Protective Equipment**

This Health and Safety Performance Standard outlines the procedures for the use of respiratory protective and resuscitation equipment.

**HSPS24 - Safe Systems of Work**

This Health and Safety Performance Standard outlines the procedures for safe systems of work.

**HSPS25 - Safe Signs and Signals**

This Health and Safety Performance Standard outlines the procedures for the provision and maintenance of safety signs where risks cannot be adequately controlled using other health and safety measures without them.

**HSPS26 - Slips, Trips and Falls**

This Health and Safety Performance Standard is intended to reduce the risk of slip, trip and fall injuries.

**HSPS27 - Temporary Workers**

This Health and Safety Performance Standard outlines the procedures to ensure the health and safety of any temporary and casual staff in its employment.

**HSPS28 - Transport of Dangerous Goods**

This Health and Safety Performance Standard outlines the procedures for all materials (including wastes and nominally empty packages) of whatever quantity that are despatched from a site and which are defined as dangerous goods for transport.

**HSPS29 - Upper Limb Disorders**

This Health and Safety Performance Standard is intended to manage the risks that have been identified as the cause of ULD in the workplace.

**HSPS30 - Work Equipment**

This Health and Safety Performance Standard outlines the procedures for work equipment safety and to ensure all employees receive appropriate safety information and training in their work equipment.

**HSPS31 - Working at Height**

This Health and Safety Performance Standard outlines the procedures for a safe working environment for all employees who may be affected by work at height activities.

**HSPS32 - Workplace Environment - Housekeeping**

This Health and Safety Performance Standard is designed to ensure that West Lancashire Borough Council attains the highest possible standards and is in accordance with its commitment to provide a safe place of work.

**HSPS33 - Workplace Environment – Working Space**

This Health and Safety Performance Standard outlines the procedures working space.

**HSPS34 - Workplace Environment - Temperature**

This Health and Safety Performance Standard outlines the procedures to deal with problems can arise within both natural and artificially created environments.

**HSPS35 - Workplace Transport**

This Health and Safety Performance Standard is intended to reduce the risk of workplace transport activities.

**HSPS36 - Workplace Environment - Ventilation**

This Health and Safety Performance Standard outlines the procedures to ensure the provision of adequate ventilation in all parts of the workplace.

**HSPS37 - Workplace Environment – Washrooms and Toilet Facilities**

This Health and Safety Performance Standard outlines the procedures for the provision of sufficient washing and sanitary conveniences.

**HSPS38 - Workplace Environment - Lighting**

This Health and Safety Performance Standard outlines the procedures for a safe and well-lit working environment.

**HSPS39 - Young Workers**

This Health and Safety Performance Standard aims to reduce any identified risks to young persons and provide guidance on specific control measures required to protect them.

**HSPS40 - Types of Personal Protective Equipment**

This Health and Safety Performance Standard outlines the procedures for the provision of personal protective equipment (PPE) when the risk presented by a work activity cannot be eliminated or adequately controlled by other means.





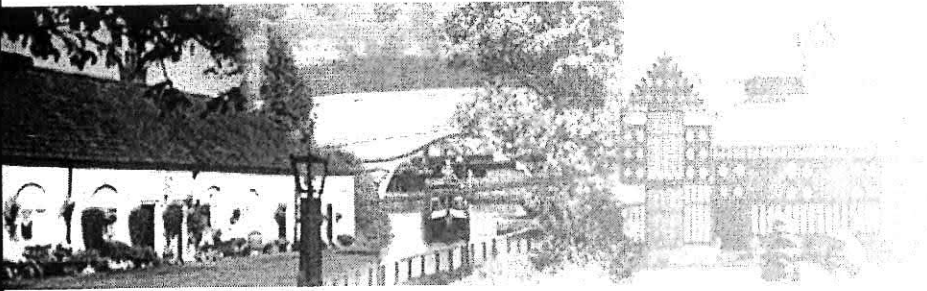
# Health & Safety Unit

Annual Report 2011

## Appendix 3

Accident & Incident





## ACCIDENTS & INCIDENTS

### ACCIDENT AND INCIDENT ANALYSIS

1ST APRIL 2010 – 31ST MARCH 2011

The table below shows the number of accident reports received by the central health and safety unit for the period 1st April 2010 to 31st March 2011.

The second column shows the figures for the same period the previous year.

Service	2010/11	2009/10
Assistant Chief Executive	3	1
Chief Executive	1	0
Community Services	2	6
Housing & Property Maintenance	2	5
Legal, Democracy & Financial Management	1	3
Planning	2	2
Regeneration & Estates	3	3
Street Scene	25	34
<b>Total</b>	<b>39</b>	<b>54</b>

As can be seen from the data above there has been a significant reduction in the number of accident report being presented to the Health and Safety Unit for evaluation. The reduction from 54 to 39 represents an overall reduction of nearly 28%.

## Accident Report Distribution 2010/11

The Department that has shown the greatest reduction in terms of actual accident numbers is Street Scene which has reduced from 34 in 2009/10 to 25 in 2010/11, a reduction of 9.

This reduction is due in no small part as a result of the concerted effort made by Street Scene Officers to maintain the programme of scheduled too box talks and continually review and improve the Departmental health and safety induction programme.

Department	Major Injury	>3 days	<3 days	Total
Assistant Chief Executive	0(0)	0(0)	3(1)	3(1)
Chief Executive	0(0)	0(0)	1(0)	1(0)
Community Services	0(0)	0(0)	2(6)	2(6)
Housing & Property Maintenance	0(0)	0(0)	2(5)	2(5)
Legal, Democracy & Financial Management	0(0)	0(0)	1(3)	1(3)
Planning	0(0)	0(0)	2(2)	2(2)
Regeneration & Estates	0(0)	0(0)	3(3)	3(3)
Street Scene	1(0)	5(6)	19(28)	25(34)
<b>TOTAL</b>	<b>1(0)</b>	<b>5(6)</b>	<b>33(48)</b>	<b>39(54)</b>

### Accident Report Distribution by RIDDOR Classification.

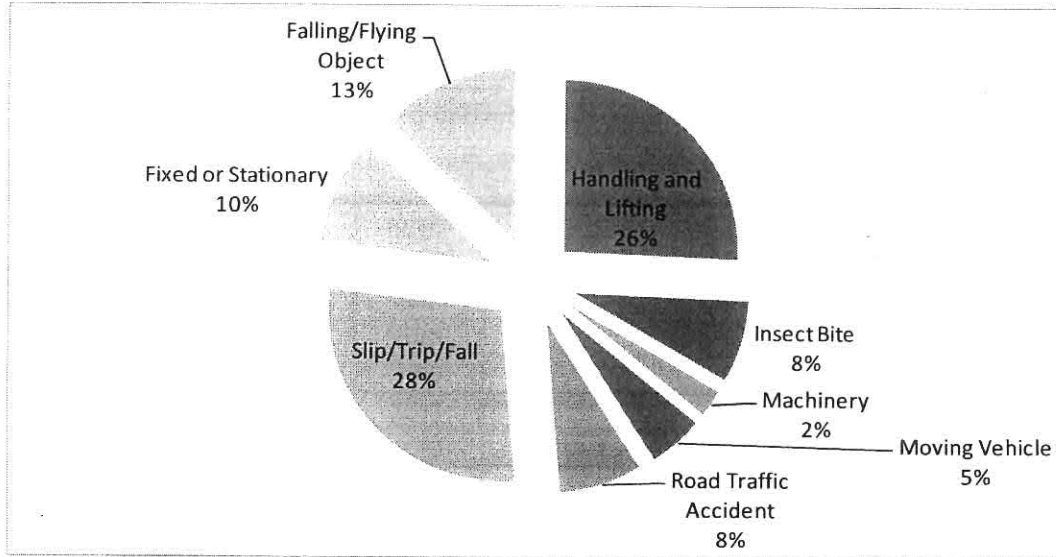
The table below show the accident distribution by Department for accidents as classified by RIDDOR. The table shows that all the accidents that have required reporting have occurred to members of street scene, this is the case for both years under consideration.

Category	Major Injury	>3 days	<3 days	Total
Handling and Lifting	0(0)	2(2)	8(12)	10(14)
Injured by an Animal	0(0)	0(0)	0(1)	0(1)
Insect Bite	0(0)	0(0)	3(0)	3(0)
Machinery	0(0)	1(0)	0(3)	1(3)
Moving Vehicle	1(0)	0(0)	1(1)	2(1)
Road Traffic Incident	0(0)	1(0)	2(0)	3(0)
Slip/Trip/Fall	0(0)	1(4)	10(21)	11(25)
Struck by Something Fixed or Stationary	0(0)	0(0)	4(4)	4(4)
Struck by Falling/Flying Object	0(0)	0(0)	5(4)	5(4)
Tools	0(0)	0(0)	0(1)	0(1)
<b>TOTAL</b>	<b>1(0)</b>	<b>5(6)</b>	<b>33(48)</b>	<b>40(54)</b>

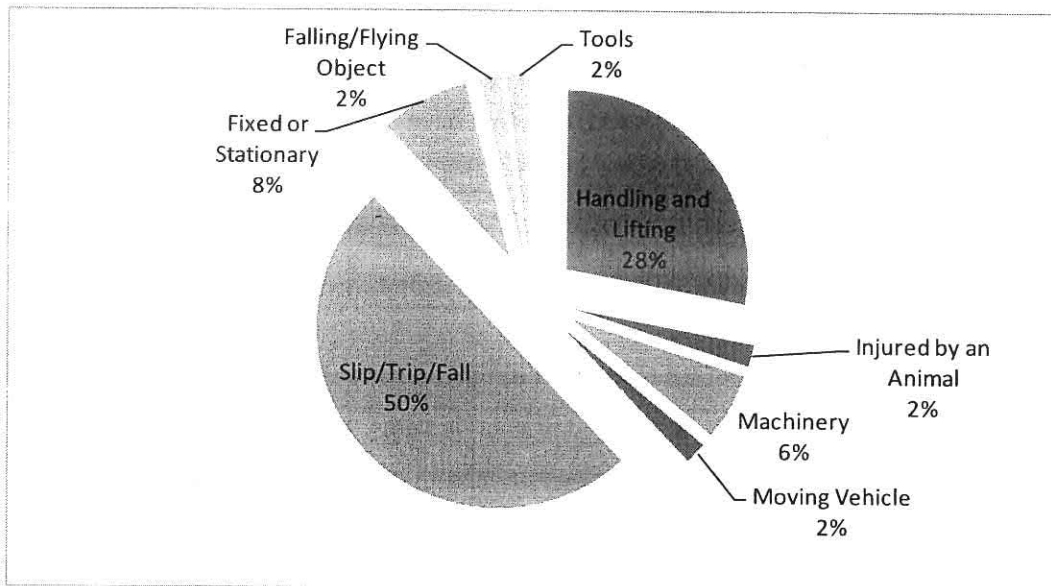
The total number of accidents reported to the Health and Safety Executive has remained the same at 6 for each year, the difference being that for the year 2010/11 one of those accidents

was a major injury accident. The details of all the reportable accidents are discussed later in this report.

### Accident Distribution by Category



The charts below shows the accident distribution for the full years reports of 2010/11.



The charts below shows the accident distribution for the full years reports of 2009/10.

As can be seen from the above charts there has been a significant drop in the number of slip/trip/fall accidents, this can be attributed to the ongoing training and awareness campaigns.

## Accident category split by Department

### Assistant Chief Executive.

There have been a total of three accident reports submitted to the Health and Safety Unit, the distribution is as in the chart above.

### Chief Executive

The Health and Safety Unit have received one accident report which was classified as handling and lifting.

### Community Services

The Health and Safety Unit have received two accident reports both of which were classified as handling and lifting.

### Housing and Property Maintenance Services

The Health and Safety Unit have received two accident reports one classified as a road traffic incident and the other as slip/trip/fall.

### Legal, Democracy & Financial Management

The Health and Safety Unit have received one accident report which was classified as slip/ trip/fall.

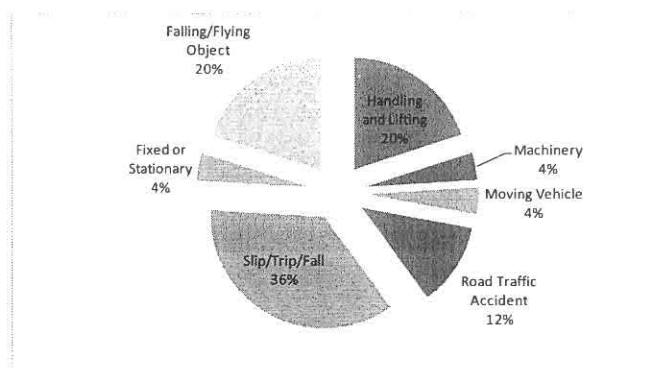
### Planning

The Health and Safety Unit have received two accident reports both of which were classified as struck against something fixed or stationary.

### Regeneration & Estates

The Health and Safety Unit have received three accident reports all of which were classified as insect bites.

### Street Scene



The Health and Safety Unit have received twenty five accident reports which were classified as shown in the chart above.

As can be seen the category recording the highest percentage of reports is slip/trip/fall, this can to some degree be explained by the particularly poor weather conditions experienced in the new year.

### Accident Distribution by Occupation 2010/11

The category of employee that represents the highest number of accident reports received by the Health and Safety Unit are Refuse/Recycling Operatives based within Street Scene. This is to be expected due to the nature of the work carried out by this group of employees. All the notifiable accidents, including the one major injury incident, occurred in this group of employees.

Occupation	Major Injury	>3 days	<3 days	Total
Auditor	0	0	1	1
Business Analyst	0	0	1	1
Caretaker	0	0	1	1
Cleansing Operative	0	0	1	1
Foreman/Charge hand	0	0	3	3
ICT Assistant	0	0	1	1
Marketing Officer	0	0	1	1
PA	0	0	1	1
Performance Officer	0	0	1	1
Principal Planner	0	0	2	2
Ranger	0	0	2	2
Refuse/Recycling Operative	1	5	15	21
Scheme Manager	0	0	2	2
Support Officer	0	0	1	1
<b>Total</b>	<b>1</b>	<b>5</b>	<b>33</b>	<b>39</b>

The distribution of accidents between the other occupations is even, the only area for concern is that in two cases accidents have occurred to the same persons.

One Charge hand reported two incidents and a Principal Planner also reported two incidents, the two being very similar.

## Reportable Accidents by Category

### Outline of lost time accidents:

#### Major Injury Accidents

1. **Fractured left ankle.**

This accident occurred at the tipping facility Clayton Hall Leyland.

The injured person, a refuse collector, sustained a fracture to the left ankle.

As the refuse vehicle was driving into the tipping facility the injured party asked the driver to stop the vehicle so that he could visit the toilet. Before the vehicle had completely stopped the injured party attempted to alight from the vehicle. At the time of the incident the refuse vehicle was turning left and as the injured party put his foot on the ground the turning wheel caught his foot and knocked him to the ground.

#### Over three day reportable accidents

1. **Pulled muscle to left calf**

This accident occurred on Gillibrands Road Skelmersdale.

The injured person, a Foreman Gardener, sustained a pulled muscle to his left calf.

While using a mower he hit an obstacle which caused the mower to spin around resulting in excessive pressure being applied to his left leg. The obstacle in question was later found to be a metal bar that had been buried and subsequently worked its way to the surface prior to the incident.

2. **Tendon injury to back**

This accident occurred at Deardon Way Flats.

The injured person, a refuse collector, sustained a torn tendon in his back and grazing to his left arm and lower back.

While attempting to pull wheeled bins up some steps at Deardon Way Flats he states that he felt a twinge and sharp pain in his back, this caused his legs to give way and he fell down the steps.

3. **Muscle injury to left shoulder**

This accident occurred on Heathfield Estate, Burscough.

The injured person, a Refuse Collector, sustained a muscle injury to his left shoulder.

He reports that while throwing a large piece of cardboard into the back of the vehicle he felt a sharp pain in his left shoulder.

4. **Whiplash injury to shoulders and lower back.**

This accident occurred on Sandbrook Road, Upholland.

The injured person, a Driver/Refuse Collector, sustained whiplash injury to shoulders and lower back.

While his vehicle was parked collecting refuse another vehicle attempted to pass, in doing so the trailer of the other vehicle struck the vehicle of the injured party resulting in the injury stated.

5. **Bruised finger**

This accident occurred on Sandbrook Road, Upholland.

The injured person, a Refuse Collector, sustained bruised finger on his right hand.

While carrying out his normal duties he tripped over a piece of felt that had been left on the pavement by a resident or builder. As he passed over the felt he caught his foot and fell to the ground.



**West Lancashire Borough Council**  
**EIA process for services, policies, projects and strategies**

**Question 1**

Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:

- People of different ages – including young and older people
- People with a disability
- People of different races/ethnicities/nationalities
- Men
- Women
- People of different religions/beliefs
- People of different sexual orientations
- People who are or have identified as transgender
- People who are married or in a civil partnership
- Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave
- People living in areas of deprivation or who are financially disadvantaged

No

-----

**Question 2**

What sources of information have you used to come to this decision?

Health and Safety Strategic Plan 2010/12

-----

**Question 3**

How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?

Employee involvement via consultation process.

-----

**Question 4**

Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people)
- Foster good relations between people who share a protected characteristic and those who do not share it

Help

-----

**Question 5**

What actions will you take to address any issues raised in your answers above?

No issues have been raised.

-----